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Ontario

Royal Commission on Matters of
Health and Safety Arising from
the Use of Asbestos in Ontario

Submissions

v. 3

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Royal Commission on Asbestos
180 Dundas Street West
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TORONTO, Ontario
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Dear Sirs:

As a submission to your investigation of asbestos exposure and its effects, I would like to mention the following:

1. It is possible that many domestic heating furnaces contain and emit asbestos. I have found the material used as a seal between the blower fan outlet and the heat exchanging chamber, in the form of woven cloth. Vibration and air currents probably loosen particles of the cloth and allow their distribution through the house. Also, it is used as a seal under the fire inspection door. This seal erodes with time and probably emits particles into the furnace room.
2. Many of the new airtight woodstoves use asbestos gaskets around the door, which probably results in fibres being emitted into the room.
3. A probable hazard is going work on automobile wheel assemblies requiring removal of the brake drum. There is always a very fine dust which must contain asbestos from the brake linings.

Yours truly,

Frank E. Stokes

Presentation to
the Royal Commission
on
ASBESTOS


J. Stefan Dupré
Chairperson

Presented by:

Jan. 21, 1981



Ontario Public Service Employees Union



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INTRODUCTION

The Ontario Public Service Employees Union represents approximately 70,000 public sector employees throughout Ontario.

While we address the Royal Commission on Asbestos principally on their behalf, we are also mindful that the problem of asbestos touches the lives of the public they serve and many other workers throughout this province. Indeed, asbestos is a public health problem that has only recently been recognized as such.

Revelations about the occurrence of asbestos-related diseases among public employees (for example, the case of mesothelioma discovered in an employee of the Scarborough Board of Education) and the existence of deteriorating asbestos material in public buildings, schools, and hospitals, has expanded the known population at risk.

From our own investigations and experience, it has become clear that our own members and the general public are at great risk to a very lethal hazard. This conclusion was based on the following:

1. Epidemiological and scientific study of asbestos increasingly reveals that neither the level of exposure nor the time of exposure had to be high for damage to result insidiously.
2. The discovery of the existence of asbestos in public buildings in various stages of deterioration and the use, among our members, of asbestos products, demonstrated that there was indeed a high risk of exposure.

This last point was dramatically illustrated to us when huge quantities of asbestos fell on students at the Drury School for the Deaf. Our experience in dealing with the agency responsible, in this particular case, made us realize a number of things in attempting to obtain protection:

1. The standards or guidelines regulating exposure to asbestos were not adequate to protect anyone.
2. Responsible agencies and employees did not know how to deal with remedying the problem safely.
3. And finally, the ubiquity of asbestos and extensiveness of the problem made us realize that discussion on the question of asbestos had to move toward a

serious and hardnosed assessment of the question of banning asbestos and its compulsory substitution by a safe product.

The brief that follows will address the following:

1. People at risk to asbestos exposure;
2. The inadequacy of standards;
3. Asbestos in public buildings;
4. Concluding remarks: The need to eliminate the risk and the compulsory substitution of asbestos.

This Commission has been assigned the task of advising the Government of Ontario on an issue of critical importance to the health of every citizen of this province: namely, the issue of how to deal with the hazard of asbestos vis-à-vis the health of employees and the public in general. Given the weighty evidence from world-wide jurisdictions of the lethal character of asbestos, and depending on how this Commission chooses to evaluate the problem, you may be sentencing many thousands of people to an early and agonizing death.

It is our hope that the Commission will seriously consider the implications of its task. We equally hope that the Commission does not become merely a means of deflecting the enormous public concern that has emerged in the past year.

PEOPLE AT RISK TO ASBESTOS EXPOSURE

Asbestos, once thought to be a hazard only in those industries directly involved in its mining and production, is now recognized as an equally serious hazard for both the public and employees in the service sector.

Workers directly exposed to asbestos include: auto mechanics, boiler maintenance men, welders, textile workers, asbestos miners and construction and insulation workers. While OPSEU does not represent miners or production workers, nonetheless, many of our occupational groups in the public service handle asbestos directly. Such groups include auto mechanics, boiler repairmen, electricians, welders and maintenance men.

Since most buildings built during the 1950's and 1960's were fireproofed, soundproofed or insulated with asbestos, office employees, repairmen and the visiting public are also exposed. Both the Union and the employer have already identified various office buildings, schools, hospitals, and community colleges containing asbestos, which in some instances are exposed and in a state of deterioration. This does not mean that unexposed and non-deteriorating asbestos does not pose a threat nor that the Union is unconcerned.

There is a growing body of evidence that both the non-occupational and the indirect exposure of workers to asbestos does result in the development of asbestos-related disease. In 1960, J. C. Wagner reported 10 cases of mesothelioma among South Africans not employed in asbestos mines but who had lived nearby. Public or non-occupational exposures have since been reported from nine (9) other countries including the United States. And recent studies of cancer rates in Quebec would similarly cast suspicion on asbestos and the asbestos industry.

While the Union does not have comprehensive data on the incidence of asbestos-related diseases among its members, a few examples are in order. Data from the Workmen's Compensation Board indicates the following with respect to cases of asbestos-related disease in the public sector:

Ontario Provincial Government:

1. Asbestosis - Lakehead Psychiatric Hospital
(1969 - 1979)
2. Asbestosis - NORONTAIR

School Boards:

1. Three (3) cases of asbestos-related disease
including mesothelioma

Municipalities

1. Asbestosis - City of Ottawa

In the Union's view, the occurrence of this disease in the cases above indicates a clear and present hazard to public sector employees.

OPSEU's first direct experience with the problem of asbestos occurred in April 1980, when large quantities of asbestos had fallen from ceilings on more than 60 students at the E. C. Drury School for the Deaf in Milton. At that time the minister of education, Dr. Bette Stephenson, informed the public that students at the school were in no danger, that the classrooms affected had been sealed off, and that the school would remain functionally open.

However, the Union found that our members, who consist principally of support staff at the school, had not been informed about the hazard and were required to work as usual in the affected areas.

Secondly, initial reports from the Ministry of Labour indicated that only small quantities of asbestos were involved and that affected areas were sealed off while the material was being encapsulated by a specialist contractor.

Our own direct investigation of the situation at the Drury School indicated the following:

1. Large quantities of asbestos were involved. In some classrooms as much as 40 square feet of asbestos material was disintegrating, and huge chunks of loose asbestos lay on floors and desks.
2. There was effectively no isolation of the affected areas. The doors leading to the rest of the school were open. Students were walking in and out of the area carrying asbestos on their shoes and clothing.
3. A welding class with at least 20 students was in process at the time of our investigation. That classroom was located directly across the hall from an affected classroom being worked on by the contractors. The door to that classroom was open. The compressor used by workmen spray-painting the ceiling to control flaking was located by the open door and was blowing asbestos dust and particles across the hallway where the welding class was in session.

4. The "specialist" contractor possessed neither the equipment nor the experience to do the job of encapsulation without aggravating the situation and endangering his own employees performing the task.

When the Union pointed out these problems to the school's administrators, we were met with hostility and complacency with regard to the problem at hand. They refused either to alter its procedures or close the school. They informed us that what they were doing was condoned by the Ministry of Labour and that they would not do anything unless ordered to do so by the Ministry.

It was only after OPSEU Local 223 had advised the administration of its intention to exercise the right to refuse unsafe work that the school was officially closed by the administration. Needless to say, this was a gross situation. However, it illustrates a number of points:

1. Given the amounts of asbestos that fell directly on the students and the amounts that were likely carried throughout the building as airborne particles, this situation was potentially catastrophic, given what we know about the lethal character of asbestos.

2. It also illustrates that neither employers nor responsible government agencies know what steps are necessary to deal with such a situation.
3. And finally, it generally illustrated the legal and jurisdictional confusion over who is covered by what standard or guideline and who in government is responsible. On the one hand, the occupational guideline was applicable to some workers who are covered by the Occupational Health and Safety Act. The occupational guideline, however, was established within the parameters of complex economic issues pertaining to controlling asbestos exposure in the industry, but not in this kind of occupational environment. On the other hand, it was not clear as to what standard or guideline regulating asbestos exposure applied to the general public, or in this case, to the children. Our experience since that occasion has been marked by a series of encounters with the Ministry of Labour's Occupational Health Division over testing the atmosphere in government facilities, the application of existing guidelines, and what measures to take regarding the existence of asbestos in these facilities.

All of these issues, however, are inextricably related to the question of the adequacy of existing occupational guidelines and environmental guidelines. Both are based on the same fundamental premise: that a safe level of exposure can be established for any hazard.

STANDARDS AND RISK OF ASBESTOS-RELATED DISEASE

It is our view, and one that is shared by a growing body from the medical and scientific community, that there is no safe level for asbestos. This is certainly the conclusion that the National Institute for Occupational Safety and Health comes to in its most recent study of the existing literature.

That asbestos is a potent carcinogen has been demonstrated over and over again in both epidemiological studies and animal experimentation. Unfortunately, though this has finally become recognized, the controversy continues on the basis of how much exposure will cause cancer and just what type of asbestos is a causative agent.

While OPSEU will rely on the evidence and discussion contained in the Ontario Federation of Labour submission to the Commission on these two latter questions, we would, nonetheless, offer the following small contribution.

Thus far the Ministry of Labour has applied the current occupational guideline for exposure to asbestos in measuring the atmosphere in our members' workplaces. Based on that guideline which is currently 2 fibres (greater than 5 microns in length) per cubic centimeter of air, the Ministry has given us their assurance that readings below this level are ultimately safe. And, indeed, to our knowledge there have been no official readings that have been anywhere near 2f/cc In point of fact, most readings have been below the environmental guideline of .04 f/cc.

It is our view, however, that these readings and the Ministry's assurances that all is well are giving people a false sense of security. Consider the following:

Asbestos fibres are extremely small. Fibres that can be seen with the naked eye or an optical microscope actually consist of thousands of smaller fibres called fibrils. It usually takes an electron microscope to make an individual fibril visible.

When such tiny fibrils get into the air, they float like water vapour and never settle. It is these very fine fibrils which more readily enter the lungs and digestive system and do irreparable damage.

Utilizing the test procedures pursuant to the current occupational guidelines of 2f/cc , airborne fibres are commonly measured with an optical microscope technically called "phase contrast microscopy." Such a method counts only those fibres that are relatively long - greater than 5 microns in length. Smaller fibrils - which are estimated to outnumber the longer ones by as much as 100 to 1 - are not counted.

Thus the occupational exposure to asbestos at the currently-regulated levels of 2f/cc may result in the daily inhalation of as many as 1.6 billion fibres. Even at the current environmental guideline, 32 million fibres would enter the lungs every eight hours.

Based on this, it is impossible to accept the Ministry of Labour's assurance that readings of .03 f/cc taken at the legislative buildings should be considered safe. At this .03 f/cc level, for example, both employees and the public would be inhaling approximately 24 million fibres over an eight-hour day.

Here the Commission must recognize that these smaller fibres are believed to be more carcinogenic. Indeed, it would behoove this commission to consider seriously the warnings of the World Health Organization that the smaller, harder-to-measure fibres are potentially more dangerous than the larger fibres.

We would remind you that the current 2 f/cc guideline, based on conventional medical wisdom, was viewed as adequate to protect workers from asbestosis. However, a recent study published in the British Journal of Industrial Medicine (36, 98-112) indicates that clinical evidence of asbestosis can occur at levels of exposure as low as 0.3 fibres per cc of air. The study was conducted at the Turner Company and reported follow-up evidence of 379 men who had worked at least 10 years at the asbestos textile mill.

An earlier study of the same factory produced the evidence used to justify the 2 f/cc standard. These new results are very important. Not only does the Ontario guideline not protect workers from cancer and mesothelioma for which there is no safe level of exposure to asbestos, but it no longer appears to protect workers from asbestosis.

With respect to the distinction made as regards different potencies between fibre types, OPSEU refers the Commission to the work of the noted Oxford researcher, Julian Petos, who has refuted the assumption that Chrysotile asbestos (the type commonly used in Canada) does not cause mesothelioma. For further discussion on this issue we are pleased to refer you to the Ontario Federation of Labour submission to this Commission.

Indeed, the work of scientists such as Selikoff, Franklea, et al. indicates that neither the level of exposure nor time of exposure needs to be high for insidious damage to occur.

IMMEDIATE PROBLEM OF ASBESTOS IN BUILDINGS

Based on this proposition, a clear and immediate danger to both employees and the visiting public exists in all those buildings and workplaces that contain asbestos-laden material for insulation, fireproofing, or soundproofing.

Dealing with asbestos in these particular circumstances does not involve the more complex questions of economic and engineering feasibility. In the case of the structural aspect of buildings and factories, asbestos is neither produced nor is it an essential part of the productive process.

The imperative to remove asbestos from buildings even makes absolute sense from a strictly cost/benefit perspective. The costs of removal and replacement by suitable and safe substitutes will basically be contemporary - that is, it is only a "one-shot" cost that does not impact on the future.

Leaving things as they are, however, will present enormous social, human and economic costs for the near future in terms of compensation cost, lost production time, family benefits, etc. because of damage from asbestos.

Moreover, simply trying to encapsulate or enclose asbestos only postpones the problems for the more distant future at extremely exaggerated economic and social costs. Encapsulation and the enclosing of asbestos are not only questionable methods of containment, given the nature of asbestos fibrils, but are not methods that will last very long. These materials themselves will undergo deterioration in time either by being disturbed inadvertently or through natural decomposition.

It is the Union's view that the removal of asbestos rather than the dubious methods of either enclosing or encapsulating it, is the only sensible solution from both an economic cost/benefit point of view and the social/moral view on the value of a human life.

CONCLUSION: STANDARDS, ELIMINATION OF THE RISK,
AND THE COMPULSORY SUBSTITUTION OF ASBESTOS

As we stated at the outset, this Commission has a rather onerous task ahead of it in advising the government on the question of asbestos. The adoption of a strict cost/benefit

approach rather than one that is based on the question of the social and moral value of a human life, inevitably leads to primary reliance upon industry evidence. At that point in your evaluation you begin to make decisions about how many people in our society are expendable. This becomes clear particularly with respect to the question of establishing standards of protection. Traditionally, such standards established procedures and levels of exposure in harmful situations in order to protect workers and the public at large. Unfortunately, while the assumption that a safe level of exposure can be established for any hazard forms the basic premise of all safety standards, experience with the lethal character of asbestos informs us that there is no safe level from such substances.

On the other hand, even if the Commission chooses to discard the above notion and accept the "experience" that there is no safe level for this most potent carcinogen, then it is still faced with a rather awesome decision.

It must choose to either seek procedures that eliminate the risk of cancer and death associated with exposure to asbestos or to make a statement of acceptable death risk. The latter case involves the application of probability theory: the balancing of known risk factors against economic feasibility to arrive at a compromise between the two.

In the final analysis, however, the Commission is faced with resolving the question of the importance of human life relative to industrial profits before it can supply the numbers for such an equation in health and safety.

It is OPSEU's view that, given the extent of the health impact of asbestos on human populations, your "numbers" with respect to expendable life will be considerable. According to Dr. Irving Selikoff, even if no one else is ever exposed to asbestos from today forward, there will be one million deaths caused by asbestos by the year 2000. We need not remind the Commission of the accuracy of Dr. Selikoff's predictions on the number of deaths due to asbestos at the Johns-Manville plant in Toronto.

We would also draw your attention to the recent study by the National Cancer Institute in the United States estimating that at least 15 percent of all cancers may be asbestos-related. Should the present predicament continue, the numbers of damaged human beings will be astronomical.

Should this Commission rely on the industry's view with its cost/benefit equation, then the serious question of putting a ban on asbestos and performing a hard-nosed assessment of replacing asbestos with safe materials will slip by the wayside.

Adopting the "acceptable level of death," the control limit, which attempts to balance the known risk factors against economic feasibility, will mean business as usual for the industry, albeit under a more stringent standard.

In the Union's view, the evidence against asbestos is already so incriminating that the only legitimate question that this Commission should be addressing is the question of how to ban the use of asbestos and introduce compulsory substitution of asbestos for safe products with minimal economic and social dislocation.

It is our hope that the discussion we have provided will assist the Commission in making a very serious and hard assessment of these issues.

SUBMISSION TO:
THE ROYAL COMMISSION ON MATTERS
OF HEALTH AND SAFETY
ARISING FROM
THE USE OF ASBESTOS IN ONTARIO

ASBESTOS CONTROL:
THE NEED FOR MUNICIPAL ACTION

Submitted by:

TORONTO DEPARTMENT OF PUBLIC HEALTH,
January 16th, 1981.

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ASBESTOS CONTROL: THE NEED FOR MUNICIPAL ACTION

I. INTRODUCTION

In July, 1980 the Toronto Board of Health recommended that the Public Health Department carry out a program to reduce potential health hazards from flaking and disintegrating asbestos found in buildings.* This program, based on the premise that young children would be most at-risk of asbestos-related disease due to a longer and cumulative exposure period, has established priorities in order to designate which buildings require the immediate attention of health inspectors.

The Toronto Public Health Department began its asbestos control program in the fall of 1980 with training for inspectors, the purchase of precautionary equipment, and the establishment of procedures for asbestos inspection. Yet while asbestos inspection is a logical extension of the job function of building and health inspectors for cities and municipalities, municipal employees do not appear to have a specific legal mandate to enforce action once potentially hazardous asbestos has been identified.

The purpose of this submission is to suggest means to rectify this situation. In this submission, we will briefly discuss the premises behind the Toronto Public Health

* This recommendation arose from the report to the Local Board of Health entitled "A Systematic Approach to the Asbestos Problem in Toronto." Unless otherwise specified, much of the background in this submission comes from that report.

Department's program, and also outline the program itself. Finally, we will deal with the issue of an enforcement mandate, as well as indicating a vehicle for creating that mandate.

II. A MUNICIPAL PROGRAM

Health Concerns

It has been firmly established in both animal and human studies that the inhalation and ingestion of asbestos fibres can create major health problems. We know that asbestos workers have higher rates of lung cancer, asbestosis, mesothelioma, gastrointestinal cancer and pleural plaques compared to the general population. We also know that not only are their families exposed to asbestos fibres and are therefore at risk of mesothelioma, but so are those individuals who live, work, and play in the general environment of asbestos workplaces. Moreover, these health effects have been established throughout the world: in Canada, the United States, Greece, Turkey, Italy, Finland, South Africa, and England.

The question, then, is not whether asbestos exposure is a problem, but rather, how should we deal with it? To answer this question, we must first consider who is most at risk of disease.

Groups at Risk

Asbestos is considered a problem primarily in the occupational environment where levels of fibre concentrations are high enough to produce visible and major health effects. However, there is also the possibility that asbestos may enter the general environment in an uncontrolled and insidious manner,

thereby exposing large numbers of the population to a known carcinogen. This could occur in buildings which contain flaking sprayed asbestos, near buildings which are being demolished, at disposal sites, in the home where asbestos products are used, and even in the water supply. While none of these scenarios necessarily constitute a major epidemic, each one is nevertheless a potential health problem and a cause for concern and preventive efforts.

We do not know for sure whether low levels of asbestos fibres from brake linings, flaking ceilings, hair dryers, demolished buildings, etc., can cause cancer. It may be that the amounts found in hair dryers and school rooms are inconsequential, but on the other hand, data indicate a linear dose-response curve for lung cancer and mesothelioma at the very lowest levels and duration of exposure. It is for that very reason that the most recent report from a working group from NIOSH and OSHA of the United States has declared that there is no "safe level of asbestos exposure". Naturally, the higher the levels, the more disease will be seen. However, it is also likely that the greater the number of exposures, the greater the risk. In addition, the longer the exposure, the greater the likelihood of disease.

Duration of exposure is the primary reason for interest in prevention of asbestos exposure in young children. If children are exposed to asbestos, first in their homes, then in their schoolrooms, then in arenas, then from brake linings, and later on in life from hair dryers and buildings where they work, it is not inconceivable that this accumulation of lifetime exposure could be harmful. While levels from any

one exposure might be too low to cause disease, the fact that asbestos fibres are in the air in so many different places is cause for concern.

Since asbestos exposure is potentially so widespread, the Toronto Department of Public Health has chosen to concentrate its efforts on asbestos found in buildings. This decision was based on the current job function of health inspectors, who are involved in examining food establishments, nurseries, and other premises to ensure that the public's health is maintained. In addition, as will be discussed in another section, other agencies and levels of government have responsibility for other facets of asbestos control, but a void seems to exist in dealing with asbestos in buildings.

Controlling Asbestos Exposure

Since asbestos is a ubiquitous substance, its total removal is clearly not feasible. In Toronto alone, over 163,000 buildings were constructed or renovated from 1947 to 1973, the years in which asbestos was widely used in a sprayed form as insulation, fire protection and decoration. It is clearly impossible to inspect every one of these buildings.

Perhaps it is the apparently formidable and overwhelming scope of the problem that has so far prevented it being dealt with in anything other than an ad hoc, reactive and crisis-oriented manner. What the Toronto Department of Public Health has introduced is a program which allows the

situation to be met in a way that is systematic, manageable and effective in reducing the health hazards from asbestos fibres in the general environment.

The key to the Toronto program lies in a system of clear-cut priorities which deals with three major issues:

- 1) which asbestos materials to control;
- 2) which locations to concentrate on; and
- 3) methods for the control of asbestos.

1. What to control

Asbestos is only hazardous when it can be inhaled or ingested. Therefore, asbestos ceiling tiles and floor covering, in which asbestos is in a locked-in form, are not necessarily problematic. On the other hand, sprayed asbestos on ceilings, steel beams, walls etc. has the potential for flaking and crumbling, especially if the building is old, if the asbestos is located near a water source, or if it is found in an area where the asbestos could receive considerable physical abuse (such as a gymnasium or school corridor).

2. Location of asbestos

Since it is not feasible to remove all asbestos, the arduous task of locating asbestos which potentially poses the greatest health hazard still remains. Although Health Department and building inspectors already inspect premises throughout the City, clearly, they cannot inspect every single building for flaking and crumbling asbestos. Rather, another system of priorities must be designed to inspect at least those buildings which contain individuals at highest risk of developing disease--children and young

people. The Toronto Public Health Department therefore has set up an inspection priority system based on the following factors:

- 1) the use of the building;
- 2) the average age of the user of the building;
- 3) the number of hours per day of use for that building.

Based on the computerized land use file maintained by the Planning Department in City Hall which contains the address of every property for the City of Toronto, the following categories of buildings built between the years 1947 and 1973 were isolated (Toronto and Separate Schools were not included since an independent program of inspection was already in progress):

- private or public nursery schools
- hospitals, rehabilitation centres, etc.
- residential clubs, university residences, dormitories
- universities and community colleges
- special youth-related institutions.

In the end, from an overall total of 163,000 buildings, the total number of high priority buildings was exactly 101. Inspection has already begun for these buildings, as well as for those which arise out of specific complaints to the Department of Public Health. At the same time, in the course of their normal duties, inspectors are inspecting other buildings which do not fall within the high priority classification.

3. Methods of Control

Once a crumbling material is identified as asbestos, the next step is the course of action, in the form of a

control measure. The three types of control measures are: 1) encapsualtion, or the spraying of a sealant, 2) enclosure, and 3) total removal of the asbestos material.

It is not necessary to perform fibre concentration measurements in the air in order to decide on a course of action. Rather, a visual inspection and bulk analysis are sufficient. If asbestos is present and is visibly crumbling, it should be dealt with.

The decision as to which control measure to use should be based on the following factors:

1. The percent of asbestos in the crumbling material;
2. The age and deterioration of the material;
3. The location and accessibility of the material;
4. The function of the space, both intended and actual;
5. The necessity to penetrate or disturb the material for maintenance, cleaning, or any other reason;
6. The presence of high humidity or water damage.

Responsibilites

1. Formal Jurisdiction

There are a number of overlapping authorities under which asbestos exposure can be abated. In Ontario, formal jurisdiction resides with the Province and is divided among three of its ministries - Labour, Environment, and Corporate and Consumer Affairs.

Because asbestos-related disease originally was identified among asbestos workers, the Ministry of Labour has traditionally been the repository of information and legislation in this

area. Its approach has been to create guidelines in the workplace and to monitor occupational environments to ensure workers that fibre concentration in the air does not exceed a certain level (currently 2 fibres/cc of air).

The Ministry of the Environment also plays a role in the control of asbestos. While asbestos inside a building which has workers would fall within the domain of the Ministry of Labour, once asbestos is released into the environment the Ministry of the Environment is responsible. The latter, therefore, can monitor fibre concentration levels at building demolition sites (where asbestos may have been used in the construction of the building), at disposal sites, or even inside certain buildings not considered to have an occupational relationship with asbestos. Although the Ministry of the Environment has the potential to do some air monitoring for asbestos, it does not currently monitor in any systematic or periodic fashion.

Asbestos is contained in a wide array of consumer products, so once again the jurisdictional overlap becomes apparent. Workers involved in the production of asbestos-containing products may be exposed to asbestos. However, it becomes a general public and therefore consumer concern once the product is assembled and enters the market, and then falls under the jurisdiction of Corporate and Consumer Affairs.

2. Local initiatives for asbestos control

Although there is no formal municipal authority for acting to control a potential health hazard from flaking asbestos in buildings, several precedents exist for dealing with asbestos at the local level.

For example, the Toronto Board of Education and Metropolitan Separate School Board, the Toronto Transit Commission and

City of Toronto Property Department have all taken steps to control asbestos within their respective jurisdictions. Of course, any institution can deal with its own problem and take the responsibility for controlling asbestos exposure within its own environment. This process, however, is deemed to be haphazard and ad hoc, and therefore is an inadequate response to the problem.

Although the Public Health Act would ordinarily seem the likeliest mechanism for control of asbestos in buildings, according to most interpretations of this act no formal authority exists for a municipality to carry out this function. We deal with this central problem in the next section.

III. THE PROBLEM OF JURISDICTION

The Problem

If a local health agency embarks upon a program to locate flaking asbestos with a view to enforcing appropriate control measures, the agency must have a clear legal mandate in a number of areas in which municipalities at present have no authority. Otherwise an abatement program remains an entirely voluntary process in which private citizens are not required to cooperate. Areas in which such a mandate is necessary include:

- a) Power of entry
- b) Power to take samples
- c) Power to inspect
- d) Judicial or legislative recognition of asbestos (in some forms) as a hazard to health
- e) Judicial enforcement of orders of the Medical Officer of Health.

Under the current legislation (Public Health Act) these five issues are inextricably intertwined and legally dependent upon each other.

Section 87 of the Public Health Act - known as the "nuisance clause" - would appear, on the face of it, to address all of these concerns quite adequately. According to the wording of this Section, inspectors have the right to inspect for conditions which are dangerous or "likely to become dangerous to health or safety". However, it has been the experience of the Toronto Department of Public Health that in cases without precedent or case law (such as asbestos-related matters), the generality of the legislation has led judges to require definitive proof of a health hazard before a municipality can intervene. However, courts have found that definitive proof has only been available for traditional public health environmental concerns such as sanitation and noise. For some of the newer health hazards, it has been found that proving a premise scientifically is not tantamount to proving it legally. While the world of science and health is satisfied that asbestos, for example, is a demonstrable health hazard, the judicial system is not.

It therefore follows that except in cases where complete co-operation of the responsible party is afforded the inspecting agency, the latter must be capable of legally proving the public health nuisance. In the absence of such clear proof it would be most difficult to establish (a) rights of entry, (b) inspection and sample taking, and (c) enforcement of abatement action.

Fortunately, however, the Public Health Act is currently in

a state of revision, and the opportunity exists for giving municipal Public Health inspectors statutory powers in the area of hazardous substances.

The New Health Protection Act

The Toronto Department of Public Health, as well as all public health agencies throughout Ontario, receives its mandate from the Public Health Act. This Act was conceived approximately 100 years ago and has not been substantially revised since its initiation.

The Ministry of Health, therefore, is currently in the process of revising this Act in the form of the Health Protection Act, in order to more "truly reflect the role of the modern public health agency" (Health Minister Timbrell). Concomitant with this revision is the delineation of six basic core programs. Logically, asbestos control would fall within the core program for environmental sanitation.

1. The revision process

To ensure comprehensiveness, the Ministry of Health has solicited input from local municipalities, Universities, and medical associations. Based on this input, a discussion paper on the proposed Health Protection Act, entitled "Directions in Public Health", is currently being circulated. A conference to discuss this working paper is being held in January 1981, and refinements and changes will be addressed. The Ministry anticipates a new Health Protection Act by Spring 1981.

2. Revisions to the Public Health Act

The current Public Health Act defines very specifically the types of premises a health inspector should be

examining, as well as the types of health hazards for which he/she may take action. In particular, inspectors may take action against overcrowded and unsanitary conditions, or those conditions considered to be a nuisance in food handling establishments, lodging houses, swimming pools, slaughter houses, dairies, day nurseries, special residential facilities, and many other types of premises.

The proposed Health Protection Act does not appreciably change the type of premises to be inspected, nor does it specifically alter the emphasis on inspection for unsanitary, overcrowded conditions. Although it changes the term "nuisance" to "health hazards", the change in terminology is clearly not intended to improve the chance of easily establishing the right of entry, inspection and enforcement for asbestos and other substances which have been associated with long-term, chronic, non-communicable diseases. In the current climate of ever-increasing environmental consciousness, asbestos is certain to be only one of many potentially hazardous substances which may be of public health concern and action. For that reason, it is imperative that the new Act be changed.

A Mandate for Asbestos Inspection, Control and Enforcement

In his speech to the legislature on April 21, 1980, Labour Minister R. Elgie declared that, "the Commission's appointment does not mean that our other activities will be suspended or otherwise delayed". Moreover, Stefan Dupré, in his opening address to the first public meeting of the Royal Commission on Asbestos, went on to say that "if it is our judgment, we shall not hesitate to take issue with what government has done or with what has been left undone".

Dr. Dupré also stated that "although we envisage that our task will not be completed until well into 1982, we do not feel bound to withhold all our views and recommendations until a final report is ready. If we receive submissions to the effect that certain issues might be accorded a degree of priority in our timetable, we shall consider them seriously". These statements surely apply to the current situation. As we have already noted:

1. Any agency or organization can inspect and control for asbestos on its own premises.
2. However, this leaves a potential health hazard for those organizations and agencies which do not take the responsibility on their own initiative.
3. The Health Department is in a logical position to take on the responsibility for inspecting and issuing orders for control. In addition, a systematic approach, which could apply to any municipality, exists for such a program.
4. However, the present Public Health Act does not give Health Department inspectors a sufficiently strong mandate for this responsibility.
5. Fortuitously, the Public Health Act is in the process of being revised.

It follows that the new Health Protection Act should empower the Minister to make regulations concerning specific hazardous substances that are or may be a threat to health. In addition, the Health Protection Act should include an expansion of the concept of "hazardous substance" by particularizing

the definition (as in Section 86 of the present Public Health Act) to include substances which have, or potentially have, a physical or chemical impact on human health. Such an open-ended approach would facilitate the filing of new regulations for various substances which may, in future, pose threats to the public health. It is worthy of mention that the Minister of Labour published a Notice of Intention (Ontario Gazette, June 28th, 1980) to designate certain substances to which the exposure of a worker is prohibited, regulated, restricted, limited or controlled under the Occupational Health and Safety Act, 1978 (asbestos, lead, mercury, noise, isocyanates, silica and vinyl chloride).

While these substances are considered hazardous in an occupational setting, a revised Health Protection Act would consider them potentially hazardous in a public health setting.

Accordingly, it is the intention of the Department of Public Health to put forward this viewpoint to the Minister of Health in its communications with his Ministry. It is the recommendation of this submission that a representative from the Royal Commission on Asbestos do the same. This must not wait until the completion of the Commission's work, but rather must be made as soon as possible in order to coincide with the schedule of the Ministry of Health. On it rests the entire viability of a serious and systematic approach to the abatement of the health hazards of asbestos.

IV. CONCLUSION

Asbestos is but one example of an entire class of physical and chemical agents which represent a clear if potential threat to health. Yet the authority of municipal agencies to deal with such threats is severely limited by the present

Public Health Act. While the Act invokes the general concept of "public nuisance", the courts have been rigorous in insisting that a precise hazard to health be proven to exist.

Unfortunately, in the nature of countless physical or chemical agents of which asbestos is merely a prominent example, definitive proof that will stand up in a court of law is often not available. Harmful effects of such agents tend to be diffuse, long-term, and expressed in a multiplicity of health outcomes. Because the present Public Health Act, makes it difficult to act against potential health hazards that are no less real for lack of standard legal proof of harm, it in effect errs on the side of danger.

We propose that this situation be remedied in two straightforward ways in the new Health Protection Act soon to be presented to the Legislature:

- 1) By giving the Minister of Health the power to make regulations concerning specific hazardous substances that are or may be a threat to health.
- 2) By defining the concept of "health hazard" in such a way as to make clear the authority of municipal health agencies to deal with that class of physical and chemical agents represented by asbestos.

In this way, the kind of systematic program for asbestos control initiated by the Toronto Department of Public Health can be fully realized.

B R I E F

TO THE

ROYAL COMMISSION ON
MATTERS OF HEALTH AND
SAFETY ARISING FROM THE
USE OF ASBESTOS IN ONTARIO

BY THE

ONTARIO DIVISION,
CANADIAN UNION OF PUBLIC EMPLOYEES

January 16, 1980
Toronto, Ontario

P r e a m b l e

Mr. Chairman and Members of the Royal Commission on Asbestos:

The Ontario Division of the Canadian Union of Public Employees (CUPE) is the constitutional body within our National Union which is authorized to formulate and implement provincial policy. Presently there are nearly 265,000 people in our national membership. Over 105,000 members in 562 Local Unions reside and work in the province of Ontario. Our members work for boards of education, municipalities, hospitals, universities, nursing homes, electrical utilities, voluntary agencies, libraries, the Canadian Broadcasting Corporation, children's institutions, rehabilitation centres and Workers' Compensation Boards.

On the critical issue of human exposure to asbestos, we wish to emphasize at the outset of this submission to you that our interest is in the advocacy of total protection for CUPE workers from the negative health effects of asbestos exposure in the workplace. Of equal concern to us is the health danger faced by the public - our families, who make use of buildings and facilities we are employed to maintain.

This interest is an immediate one.

On March 28th, 1980, a Coroner's Jury, investigating the death of a 37 year old man, decided that he died of mesothelioma caused from a higher than normal exposure to

asbestos fibres. Clifton Grant had been employed as a carpenter by the Scarborough Board of Education from 1968, Part of his work with the Board was the cutting and drilling of asbestos sheets.

At present, seven CUPE members, all Hydro workers, diagnosed to have asbestosis, are waiting decisions from Ontario's Workmen's Compensation Board.

With some urgency, we, the Ontario Division of the Canadian Union of Public Employees, respectfully submit the following observations and recommendations for your consideration.

We also wish to indicate at this time our full support for the submission by the Ontario Federation of Labour to your Commission.

1. Asbestos - No Safe Exposure Level

The National Institute for Occupational Safety and Health (NIOSH) has made the following recommendation: "Evaluation of all available data provides no evidence for a threshold or for a safe level of exposure to asbestos. In view of the above, the standard should be set at the lowest level detectable by available analytical techniques." NIOSH suggest that only a ban on the use of asbestos can assure protection against cancer.

Dr. Gordon Atherley, Director of the Canadian Centre for Occupational Health and Safety has drawn the same conclusion. He has shown that no correlation exists between above zero exposure levels and zero cancer rates. To the contrary, he has demonstrated that to achieve a zero cancer rate, the exposure level must also be zero.

In a document prepared for the Ministries of Education, Colleges and Universities by the Ontario Ministry of Labour - Occupational Health and Safety Division titled "Inspecting Buildings for Asbestos" (pg.1.1), the following statement is made: "It is impossible to estimate confidently the exact degree of risk associated with low-level exposures. However, exposure to asbestos at any level is considered to present a health risk which increases with the duration and intensity of exposure."

While various standards do exist covering a worker's exposure to airborne asbestos fibres, no standard has been proven to protect a worker from asbestos caused cancer. The Canadian Union of Public Employees can therefore only view exposure levels above zero as unacceptable. To accept any standard set above zero exposure would be to accept a compromise between financial cost and our physical health.

We cannot afford to make this compromise.

II Identification of Asbestos

1. Initiation

Within the public sector area, represented by the Canadian Union of Public Employees, we have been unable to find any more than a few workplaces where satisfactory programs have been initiated for the identification of asbestos.

In February of 1980, Directors of Education in Ontario were issued a memorandum from the Ministries of Education and Colleges and Universities to begin sampling fibrous materials in their buildings for the possible presence of asbestos. Included with this memorandum was a manual produced for them by the Ministry of Labour titled "Inspection of Buildings for Asbestos."

While this memorandum and the accompanying manual are an indication of concern and an important first step to the complete removal of asbestos from our schools, it does not provide a guarantee insuring inspections be done by competent persons.

Ontario Hydro is the only other major public sector workplace where a program has been instituted for the identification and removal of asbestos.

In response to questionnaires sent out to our hospital locals and homes for the aged, we have found no evidence that inspection programs have been instigated. This obviously

does not exclude the possibility that some inspections have been made; however, we find it beyond all reason that hospitals and homes for the aged have not received very specific directions to insure patient and worker safety from exposure to asbestos..... Sadly, questionnaires indicate that only about 10% Joint Health and Safety Committees in the Health Care Sector have been consulted about asbestos.

Municipally, the search for asbestos is really far from started. The only municipalities to be noted where programs of inspection have been instigated are Toronto and Windsor. In both cases, programs started after strong union insistence.

In public sector areas where Joint Health and Safety Committees are not permitted by law, we can have no confidence that action is being taken to protect workers from exposure to asbestos.

2. Responsibility

Certainly employers have the responsibility to be aware of hazards in their workplaces. So, too, Joint Health and Safety Committees have a responsibility to investigate for potential hazards where they work. Even the individual worker has a responsibility to report all hazardous conditions.

To date, the Government of Ontario, through its Ministry of Labour - Occupational Health and Safety Division - has placed great emphasis on the philosophy of Internal Responsibility. In other words, they have decided to let the employers and/or workers in Ontario take responsibility for initiating inspections, identification and cleanup of asbestos at worksites.

This philosophy/policy as it relates to public sector workplaces has been far from effective and, we contend, far from meeting its own responsibility to the citizens and employees in this province. Particularly where the Government of Ontario participates in the funding of a public service, it cannot avoid the responsibility of insuring both a safe workplace and a safe service to the public.

It appears, however, that a major redirection in the thinking of our provincial government and its Ministry of Labour will have to take place before we can be assured that all workplaces will be inspected for the presence of asbestos.

3. Method

Without entering a technical presentation on the subject, it seems clear that no uniform standard for the identification and measurement of airborne asbestos fibres or building insulation in the workplace exists.

Our ability to know if asbestos is present at a worksite cannot be secured while sampling is haphazard, while the technical resources for accurate analysis of samples is limited and where competent persons are not available to perform the identification.

In his submission to your Commission on December 12th, 1980, Dr. E.J. Chatfield discussed the Problems of Measurement of Asbestos. He pointed out the inaccuracies that can and have occurred in the sampling and measurement for asbestos. We trust that your Commission will give serious consideration to all submissions for the accurate standardization of asbestos detection.

III Removal of Asbestos

The following is taken from the Ontario Ministry of Labour manual titled "Inspection of Buildings for Asbestos":

"Removal, encapsulation, and enclosure are corrective methods and can be used separately or in combination. Removal completely eliminates the source of exposure to asbestos and, therefore, offers a permanent solution. Both enclosure and encapsulation are containment methods which do not remove the source of asbestos exposure.

"Since the asbestos material remains with the building following enclosure or encapsulation, these approaches should be considered as temporary control measures."

"Encapsulation, enclosure, and deferred action allow the asbestos material to remain within the building. It is important to recognize, therefore, that the risk of hazardous asbestos exposure may be increased by changing conditions in the building. For example, asbestos material can be damaged by maintenance, repair, or renovation activities, causing further fibre release."

page 6.1

In addition to throwing more doubt on any consideration being given to the maintenance of an unknown safe exposure level and reinforcing our position that only zero exposure can be acceptable, the preceding suggestions by the Ministry of Labour give support to our position that only complete removal of asbestos from buildings will provide acceptable protection from exposure to the carcinogenic effects of asbestos.

1. Method of Removal

Unfortunately, in too many instances where removal of asbestos takes place, removal is treated as a routine task with little or no protection to the workers involved. Also, in the interest of expediting removal, proper training of workers in safe handling practice is often ignored.

At this point in our submission, we wish to make a slide-tape presentation which describes the method we consider necessary for safe removal.

2. Disposal of Asbestos

There are no effective restrictions against the unsafe disposal of asbestos.

Exposure occurs as a result of construction and removal operations where asbestos is placed in plastic bags or open containers for transport to a landfill site. Some asbestos is also left curbside by homeowners.

Exposure to asbestos is another of the many health hazards faced by garbage collectors and landfill workers.

Unmarked, unsupervised disposal of asbestos at landfill sites for burial also increases the amount of airborne fibres in the general environment and the danger of water contamination.

IV Recommendations

1. No Safe Exposure Level

(a) Any standard for workplace exposure to asbestos should be set at the lowest level detectable by available analytical techniques.

(b) The use of asbestos in Ontario should be banned.

2. Identification of Asbestos

(a) Uniform standards for the identification and measurement of airborne asbestos fibres and asbestos fibres in building insulation must be established.

2. Identification of Asbestos (Cont'd)

(b) A standard and accurate practice must be established for the taking of samples for identification.

(c) Technical facilities in Ontario must be sufficient for prompt and accurate analysis of samples.

(d) Competency standards must be set for all persons involved on asbestos identification.

3. Removal of Asbestos

(a) To insure protection from the carcinogenic effects of asbestos, it must be completely removed from all buildings in Ontario.

(b) Removal of asbestos must be carried out in such a way that human exposure is prevented.

(c) Workers must be trained in the safe removal of asbestos where it is required.

(d) No removal of asbestos should be started without notification of the Ministry of Labour. Regular inspections of the removal must be made by the Ministry.

(e) Asbestos for disposal should be placed in sealed containers and transported to old mine sites for dumping.

(f) Municipalities should make available to residents a special pickup for all asbestos or asbestos suspected material.

3. Removal of Asbestos (Cont'd)

(g) Contracting and demolition companies must be required to identify and safely remove all asbestos prior to regular building demolition.

(h) Air sampling should be used during both identification and removal procedures. Long-term air sampling should be used to monitor the success of a removal. We do not, however, recommend air sampling as a control measure. There is no safe level of exposure to a carcinogen.

4. Government Involvement

(a) The Government of Ontario must establish mandatory standards for the sampling, analysis, removal and disposal of asbestos.

(b) It must direct all employers and Joint Health and Safety Committees to begin identification programs for asbestos.

(c) It must insure that competent persons perform the identification, monitoring and removal.

(d) Its inspectors must monitor all identification and removal programs.

(e) Ontario's Ministry of Labour - Occupational Health and Safety Branch, must recognize that its philosophy of Internal Responsibility, as it relates to the removal and inspection for asbestos to date, has not been effective to any significant degree and that therefore:

- i Ministry inspectors be directed to instigate inspections for asbestos in all Ontario workplaces where inspections have not already been made.
- ii Inspectors be directed to order the removal of all asbestos found as a result of these inspections.
- iii Inspectors be directed to supervise all inspection, removal and disposal to insure safe practice.

Respectfully submitted,

Ontario Division,
Canadian Union of Public Employees.

BRIEF TO

THE ROYAL COMMISSION ON MATTERS OF HEALTH
AND SAFETY ARISING FROM THE USE OF ASBESTOS
IN ONTARIO

ON BEHALF OF

THE PROVINCIAL CAUCUS OF THE ONTARIO
NEW DEMOCRATIC PARTY

January 20, 1981

Introduction

The Royal Commission on Asbestos was set up primarily in response to concerns raised in the Legislature by the NDP Caucus about the dangers of exposure to asbestos in the schools and workplaces of this Province. Already we have documented many cases where working people have died as a result of such exposure. Members of our caucus have shown that thousands of school children have been put unnecessarily at risk because the government failed to protect them from the hazards of exposure to the best known of all carcinogens. We have shown that even when made aware of specific cases of death and disease related to exposure to asbestos, the government has failed to act to protect the fellow workers of those who died as a result of labouring in the same dangerous environment. The NDP Caucus makes its submission to-day in the hope that the Commission will advocate, in the strongest possible terms, a comprehensive program to protect every Ontarian from the dangers posed by asbestos.

Occupational injury, disease, and death is one dimension of the unnecessary suffering of Ontario workers at the hands of employers whose main considerations is profit. The present government has been complicit in this exploitation through its continued refusal to enact and enforce legislation which gives workers the power to protect themselves from such abuse.

The government has also failed to take the decisive action needed to protect the public from environmental exposure to asbestos.

The Commission has a mandate to expose this record and make specific proposals to assure the safety of workplaces, public buildings and the general environment of Ontario.

To aid you in your study we present proposals for a policy which places the safety of workers and the general public as its highest priority. We attempt to do this in the context of documenting the failures of industry and the present government.

Finally, we present programmatic suggestions in a number of areas which we believe your report must address if you are to achieve your purpose of helping Ontario deal with the hazards of asbestos.

No Royal Commission can undo the damage and the agony of past neglect. It is possible, however, to immediately begin phasing-in a program which will protect our people. We urge you to make an early report, so that interim remedial initiatives can begin in the near future. We urge you to make a tough report, so that all Ontarians can have real assurance that they and their children will not be faced with further death and disease 20 or 30 years down the road.

A) Public Policy and Exposure to Carcinogens

In the course of developing recommendations to the government on the appropriate public policy response to the occupational and environmental health hazards posed by exposure to asbestos, the Commission is going to hear some fundamentally contradictory positions.

These positions will differ in large part because the interests of their proponents, in relation to the asbestos problem, reflect real antagonisms in our society. For example, the corporations that use asbestos to make a profit will tend to downplay the hazards to health and urge less stringent protection for workers. On the other hand, asbestos workers and their representatives will take the perspective that the goal of ensuring a disease-free workplace demands high standards which are strictly enforced. The Commission cannot ignore or rise above this antagonism because central to the entire issue is the essentially "political" process of determining "acceptable levels of risk."

Dr. Samuel Epstein, author of The Politics of Cancer had the following to say in this regard:

"The scientific literature in most environmental and occupational health conflicts tends to fall into two piles. In the first pile, one finds the studies which describe the substance under suspicion as 'safe'. Most often the studies in this pile are financed by industry. In the second pile are the studies which suggest that exposure to the suspect substance is harmful. The studies in this pile are practically always conducted independently of industry." (p.37)

Epidemiology, the main scientific tool used at the present time, when stripped of all pretense is based on "body counts."

Peter Jacques of the British Trade Union Congress, quoted in Lloyd Tataryn's excellent book "Dying for a Living", states the fundamental objection workers and their representatives have to this approach:

"The fact is that no sufficient data often exists --or can ever exist-- to enable so-called 'pure' scientific decisions to be made. For example, no data exists for dose/response relationships at low levels of exposure to asbestos fibres. But this does not mean that asbestos workers should be subjected to these levels for twenty years just to satisfy scientific purity --perhaps at the cost of the lives of hundreds of asbestos workers." (p.48)

Scientists themselves are often front line troops in public battles concerning occupational or environmental health issues and no controversy is complete without the clash of "expert opinion."

Tataryn addressing this problem himself makes the following comment and offers a very useful suggestion, which we commend to the Commission.

"Meanwhile, the 'experts' themselves frequently disagree. And while the 'experts' talk past one another, few people realize the debate often revolves around certain unspoken political questions. 'Experts', like most people, approach problems and scientific riddles with certain mental sets and assumptions. These assumptions can influence research designs and questions asked, and therefore can influence supposedly unbiased investigations. In any occupational and environmental controversy, then, it is wise to discover the answers which 'experts', assigned to investigate the situation, would give to political questions such as:

- How important is it to prevent panic among people exposed to a health hazard? In light of the delicate psychological state of some people, is it sometimes important to downplay the risks people may face considering the damage may have already been done anyway?

- What is the cut-off point where the employer's obligation to provide a safe working environment ends and the employee's duty to accept certain risks begins? Should people ever be placed in a situation where they must rationalize health risks in their everyday lives for the sake of 'progress' or for jobs.
- Should the burden for proving an environment is safe be made the responsibility of industry, government, the people exposed, or the group questioning the environment's safety?
- Should people be subjected to health risks from industry even though they do not directly benefit from the industrial enterprise?
- How safe must an industry be before it is allowed to operate?
- Is industry justified at times in gambling that its operations will not jeopardize people's health in order to run a profitable enterprise or provide jobs?
- What exactly is the proper balance between jobs, economic benefit, and health risks?
- Is the distribution of health risks and profits from the enterprise acceptable? Who benefits most from the industry which imposes various health risks? Do the people who benefit the most financially experience the greatest health risks? Does the industry distribute wealth and health in an equally discriminating manner?
- Should any decisions on establishing 'acceptable' levels of risk be made without the approval of the people who must experience those risks? When should an 'expert's' opinion on risk levels override the concerns of those who must live with the risks?
- Do the 'experts' who are appointed to decide on the above risks operate independently? Does their track record indicate they have traditionally allied themselves with groups who have a vested interest in minimizing the risks involved? (p.58)

Implicit in most debates about "acceptable levels of risk" and the level of protection people ought to be afforded are judgements about the costs and benefits resulting from the imposition of a certain standard, for example.

Dr. Susan Daum, co-author of Work is Dangerous to Your Health and a member of New York City's Mount Sinai environmental health team has been incisive in her criticism of the general approach to this issue taken by both the public and private sectors. Again political considerations loom large.

"The government's general attitude is to balance the cost to industry and their profits with the risk to exposed populations. The standards are set to permit an acceptable number of cancer deaths in exposed populations and to allow industry to make profits at the same time." (from Tataryn p.42)

To quote Daum once again, when approaching the question of standard setting it is imperative that one begins from a recognition that

"There is a general scientific principle that any substance which causes cancer in animals or in humans has no threshold in somebody exposed in the working or general population. Some people are more sensitive than others. And when millions of people are exposed, some percentage of the exposed population will contract cancer at some dose, no matter how low that dose is made." (p.42)

The New Democratic Party bases its approach to the question of the regulation of carcinogens on the above principle. Since we believe that no one should be occupationally exposed to any substance which may lead to disease, injury or death, we take the position that there can be no acceptable level of exposure to a carcinogen.

B) Past Record of Industry and Government

"Dealing first of all with possible health effects, it is generally agreed that there is no valid scientific basis for setting specific levels of exposure to asbestos fibres above which there is a proven health hazard to the public at large." (Dr. Robert Elgie, April 3, 1980.)

From above statement by the Minister of Labour we can see that he recognizes that no scientifically valid basis exists for establishing a standard which guarantees a disease-free environment.

We believe in practice however that the government and the corporate producers and users of asbestos have been negligent in their handling of virtually every aspect the asbestos problem. They have willing to trade-off the protection of health and safety for the protection of production and profit. Nothing we can say illustrates this point more clearly than a review of past government and industry actions in relation to their pronouncements. Deeds not words are the critical litmus test of true committment to any given policy position.

If the Commission comes to agree with our belief that government and industry have been negligent, as we believe any reasonable, "independent" investigator would subsequent to an exhaustive inquiry, then recommendations must be made which will assure the public that the underlying causes for this deplorable record will be removed.

It is now 16 years since the first known asbestos - related death of a worker occurred in the Johns-Manville, Scarborough, Ontario plant. At least 42 of Jimmy Aldridge's brothers have died since.

- It's 42 years since Burton LeDoux documented the almost unbelievable tragedy of death and disease among of asbestos miners in East Broughton, Quebec notwithstanding that, as he put it, "all the facts essential to the welfare of the people exposed to the hazards of asbestos dust have been well-known in North American mining and medical circles for at least these last 15 years." (p.7)
- It's 51 years since the Merewether and Price report was published in Britain clearly establishing than the inhalation of asbestos leads to a serious type of lung fibrosis, the remedy for which "is to be found, as in the case of so many industrial diseases, in the suppression of dust." (p.4)
- It's 63 years since North American insurance companies began refusing to sell insurance to asbestos workers.

Somehow the words "tragedy" or "catastrophe" just don't capture the reality of death and disease which has been experienced by the workers at the Johns-Manville plant in Scarborough, the Bendix workers in Windsor, the Raybestos-Manhattan workers in Peterborough and the countless others who we know little or nothing about but who have most assuredly suffered from exposure to this deadly substance.

The Hon. Dr. Bette Stephenson Minister of Labour in a letter dated December 13, 1977 to Mr. Eddi Cauchi, then a member of the union executive at the Scarborough Johns-Manville plant, in the course of explaining why the company should not be held negligent for not informing the workers of the danger of working with asbestos stated:

"The potential of asbestos as a human health hazard has been generally recognized since the Merewether report of 1928." (p.1)

The question arises "exactly what was recognized by whom?" And what did they do in terms of acting on this recognition?

Clearly workers have not been protected let alone properly informed, by their employers or by those supposedly elected to represent them. Why? What are the political, ideological, economic or institutional barriers which allowed this situation to develop?

The Commission must search for answers to these kinds of questions if it wants to be of any real assistance to those who are struggling for safer workplaces in their continuing efforts to translate Bette Stephenson's "recognition" into concrete action.

If the barriers to the adoption of a program to eliminate the asbestos hazard are not identified, the Commission's work will be largely irrelevant and your reports will simply gather dust on bookshelves like those of so many other Royal Commissions. The cynicism expressed by many at the establishment of the Commission will have been proven to be well-taken.

In order to obtain a clear picture of what has actually happen, we urge you to adopt a case study approach and investigate a wide range of industrial and environmental controversies over asbestos so that you can piece together the actions of the various actors - workers, unions, companies, government agencies, scientists, public interest groups, etc. - and draw some common themes.

A short list of such controversys would include:

- The Scarborough Johns-Manville tragedy where at least 43 workers have died, and a further 80 or so have had their health impaired to varying degrees.
- The Bendix Corporation story in Windsor, where the death of Tommy Dunn, aged 35, on Saturday January 3rd of this year brought the official death toll at that company's two Windsor plants to 13.
- Raybestos-Manhattan in Peterborough where at least 8 workers have died.
- Royal Industries/Certified Brake of Rexdale where as of March 11, 1980 workers had been forced to stop work four times within one year in an effort to get asbestos dust levels reduced and where Ministry of Labour inspectors have failed to inspect working conditions subsequent to workers exercising their right to refuse, as required by Bill 70.
- The closures of the Reeves and Matachewan mines for failure to lower asbestos dust levels to the provincial guideline as well as the difficulties experienced at the Hedman mine.
- The deaths of school board employees Clifton Grant and Ken Gardener.
- The problem of asbestos levels in the drinking water of the city of Thunder Bay resulting from taconite dumpings on the U.S. side of Lake Superior.
- And last, but certainly not least, asbestos in the Ontario school system.

A close examination of each of these controversies would inevitably turn up common barriers to effective action giving the Commission an invaluable insight into how and why the front-line actors made the statements and took the kinds of actions they did.

To successfully carry out such an investigation the Commission must assume a very active posture as opposed to simply relying on voluntary briefs or submissions.

While we do not have the time to comprehensively review our Party's past experience in occupational/environmental health controversies surrounding asbestos we do want to pass on our recent experience around the asbestos-in-the-schools-issue which precipitated the formation of the Commission itself.

The first point we want to make is that this controversy is a classic example of the fact that occupational and environmental health are often the same issue. That is to say, measures taken to protect workers in the workplace often will result in protection for people outside the workplace, as well.

In the case of schools where workers and students share parts of the same building the relationship between occupational and non-occupational health is all the more direct.

This is one reason why we are alarmed by the lack of communication between the WCB and the Occupational Health and Safety Branch with regard to compensation claims by school board employees.

Surely one of the first places to start in terms of protecting worker health and safety is to clean-up working conditions which have already created problems. Yet the Ministry of Labour didn't even have a record of the fact that Mr. Clifton Grant, an employee of the Scarborough Board of Education, had been granted compensation for an asbestos-related condition (mesothelioma) prior to his death, on September 12, 1979 at the age of 37.

In answer to a question in the Legislature about a similiar problem concerning foundry workers put to the Minister of Labour by Bob MacKenzie (NDP Hamilton East) on November 14, 1978, the Minister had given the following commitment:

"I want to assure members that as a result of this incident I have directed that the entire communications system between the board and my ministry be reviewed in order to ensure there will be no recurrence of this unfortunate and frankly unacceptable course of events." (Hansard November 14, 1978, p.4846)

Well it did happen again and we think the Commission should find out why. The WCB has an important role to play in identifying health problems so that remedial action can be taken by the Ministry of Labour, and we suspect that the potential benefits of such cooperation are not being maximized at the present time.

One of the first things a responsible government should do subsequent to discovering that a worker has contracted an industrial disease is to take a close look at his/her fellow workers and the working conditions they find themselves in to determine if something needs to be done to eliminate further exposure.

In addition previous employees should be contacted to see if they have experienced any similar problems and to determine if they are eligible for compensation. All of this would be greatly facilitated by a registry of those workers who regularly come in contact with asbestos. Such a registry was promised by the then Minister of Labour, Bette Stephenson in the letter to Eddie Cauchi previously referred to, and dated December 13, 1977.

"In conjunction with these ongoing Programmes the Occupational Health Branch and the Special Studies and Service Branch will undertake additional studies to identify other sources of exposure; to develop appropriate controls, to update existing data and to develop an asbestos register on current and former workers."

Over three years later we don't appear to be much closer to having a registry even though the Hon. Robert Elgie gave the following answer to Michael Cassidy when questioned on the matter on April 21, 1980.

"Mr. Speaker, first of all, as I think I recall mentioning to the House in the past, there is a nominal role of workers from the Johns-Manville plant that has been prepared and as a matter of fact it's now been with Statistics

Canada for something in the neighbourhood of six months awaiting time on the machine to give us the information we wish. I am advised that we will be obtaining that information sometime within the next two months."

Neither we nor any of the affected unions have seen the registry nine months later. Once again the "speed" with which the government has moved on this issue does little to instill confidence that they treat the matter with any degree of seriousness or sense of urgency.

This impression is further enhanced by the fact that no union representing asbestos workers has ever been consulted, informed, or asked to assist in the development of such a registry.

Had there been an asbestos registry in existence and/or effective communication between the WCB and the Ministry of Labour, then inspection of the schools for asbestos could have been triggered when Mr. Ken Gardener, an employee with the York Board of Education, developed an asbestos - related condition in 1976. Even after Mr. Gardener's death in 1979, as in the case of Clifton Grant, no response was forthcoming from provincial authorities.

The manner in which the government, via the Ministry of Education has responded to the asbestos problem in school system, is to our way of thinking, not just another example of the lack of a sense of urgency and seriousness demanded by the potential threat posed by asbestos. It is clear proof that the Ontario government does not have the political will to take the bold steps necessary to deal with an ubiquitous carcinogen.

It has now been over a year and a half since the Minister of Education sent out the first "directive" requesting that all School Boards survey their facilities and report back to the Ministry on the extent to which Asbestos was present and plans they had for "a remedy to the existing condition."

The deadline in that directive was August 31, 1979. According to statistics tabled by Dr. Stephenson on May 6, 1980, in answer to an order paper question put by Michael Cassidy on April 3, 1980 at least 47 out of 183 Boards (26%) operating a total of 1,564 schools (out of a provincial total of 4,727 or 33%) had not complied with the July 1979 directive by April 14, 1980!

Dr. Stephenson was also asked, the following written question on April 3, 1980.

"Will the Ministry outline its policy for notifying the public about the possibility of friable asbestos in specific schools. Secondly, when can the House expect to be informed as to what schools in Ontario may contain friable asbestos."

To which the Minister replied on April 13, 1980:

"As indicated in the reply to question 91, when all boards have completed the visual inspection and laboratory test results are available on any suspected material, the list of schools containing hazardous asbestos products will be tabled in the Legislature and this will be done as soon as possible."

No such list has been tabled in the House because the Ministry still has not received replies from all Boards, or at least had not received them all by the time the House rose on December 13, 1980.

Part of the reason for the slowness of response may be found in the fact that the Boards were not really ordered to do anything but rather requested to comply.

Note the words used in the July 17, 1979 "directive" (attached appendix 1) from John W. Storey, Regional Director of Education to Central Ontario School Boards.

"The Minister of Education has requested"

"kindly review the facilities" etc.

Now compare that to a "real" directive about something the Ministry really wants to get some action on, for example the charging of fees by some schools for lunch hour supervision of students.

A March 4, 1980 a directive on this very subject from the Assistant Deputy Minister for Education Programs to all directors of education is almost rude by comparison:

"In those jurisdictions where it is taking place, the practice or charging fees or permitting fees to be charged for lunch-hour supervision which it is the obligation of the Board to provide, should cease forthwith." (emphasis added)

Many School Boards were so confused by the lack of specific instruction in the directive that Dr. Don Pinchin, manager of the Ontario Research Foundations building materials group designed a four-day course to deal with the demand from school boards and contractors for advice on how to handle asbestos.

Quoted in the Toronto Star on July 2, 1980, Dr. Pinchin was highly critical of how the province handled the whole affair:

"There has been little guidance here in Ontario from either the labour or the education ministries," he said. "School boards were left on their own and people were having to remove the material without any experience."

Admitting that, in response to her Ministry's July 1979 "directives", "a number of procedures were carried out by certain school boards which were found to be useless in determining the presence of fibres in the material" (Hansard March 31, 1980, p.369), Dr. Stephenson made reference to a manual which had been prepared by Ministry of Labour and distributed by her Ministry to deal with this problem.

Even though ready for distribution by early November of 1979, however, this manual, entitled Inspecting Buildings for Asbestos, was not sent out for another 2½ months along with another so-called "directive" dated January 25, 1980.

Dr. Stephenson tried to reassure the Legislature on March 27, 1980, that with the delivery of this manual to the directors of education and chairmen of every school board in the province local boards now had sufficient means to carry out the requests contained in the directives. "They know exactly where to go with their samples and what to do in terms of requesting assistance," she said.

In response to NDP Occupational Health Critic Monty Davidson's suggestion that the sampling and testing programme should be directed and carried out by the province to ensure that no asbestos was missed and that proper work practises were maintained, the Minister defend the government reliance on local authorities.

"If there is any question or any difficulty, we stand ready to be of assistance to boards. But Boards have people capable of doing the sampling which is necessary including air sampling which is being done." (emphasis added). Hansard March 27, 1980, p.266.

Besides the fact that than the fact that the Minister of Education as indicated by the above answer, was so misinformed of the actual sampling program as to be arguing that air sampling was being done in the schools, we had other reasons to believe things weren't quite so well in-hand.

For example, a telephone survey of a sampling of school boards done by NDP Research during the last week in March 1980, had turned up some specific difficulties regarding the January 25, 1980 directive.

- some boards (Carleton Public; Lanark Leeds Grenville Sep.) did not receive the manual on "Inspecting Buildings for Asbestos" which was supposedly sent with the January memorandum until they asked for it;
- when attempting to follow up the instruction to sample asbestos, using the specified bags supposedly available from the Ministry of Labour, many boards (Ottawa Separate; Carleton Public; Leeds Grenville County Public; Lanark Leeds Grenville Sep.; Newcastle and Durham Public) were unable to get the bags;
- when trying to get around this problem, some boards were told not to submit samples in containers other than the Ministry of Labour official bags (Carleton Public), while other were told to use makeshift containers like Glad Sandwich Bags with twist ties (Newcastle and Durham Public). (Note: Carleton Public Board had identified friable asbestos in two schools last Fall but were unable to submit samples until March.)

In addition we also found, upon questioning local board personell, that

- one board (Dryden Public) had no record of having received the July 17 and 27, 1979 memoranda asking for an inventory of asbestos use in schools;

- many boards found the first July 1979 memorandum highly confusing, which required the issuing of a second memorandum which itself failed to answer many questions;
- the January 1980 directive about sampling of asbestos also left many questions about what boards were to do, and how they were to go about doing it.

We have continued to monitor the schools programme as best we could, most recently asking questions of the Minister of Education on December the 12th and 13th 1980 concerning the situation in Windsor.

In that City, to the best of our knowledge, the school board sent in only one sample from one school in response to the July' 79 "directives". This was received by the province on March 12, 1980! In response to the January 25, 1980 "directive" the Board finally put one person on the job, without any training or guidance concerning work practices, on August 8, 1980! For 10 days the worker was not even given a copy of Inspecting Buildings for Asbestos.

When the union began asking questions and the media got interested, this worker during a television interview gave straight-forward answers to questions about his lack of training for the task. Incredible as it seems, Mr. Don Milburn has been disciplined by the Board for appearing on television and his union CUPE Local 27 has been forced to file a grievance in his defense!

Despite Dr. Elgie's commitment, made during the announcement of the Commission that, "...if further immediate action of a remedial nature appears to be warranted, we (the government) will not hesitate to act ...", we got no satisfactory answers from Dr. Stephenson when we provide evidence of how badly the school board in Windsor had handled the situation.

Instead we got a gratuitous lecture from the Minister once again highlighting the government's tendency to downplay the hazards posed by asbestos,

"....I do hope the leader of the third party is very much aware that he has been living with natural asbestos as a result of the structure of the earth on which he lives for all of his life." (Hansard, December 12, 1980, p.5312)

Frankly, we are worried that a thorough and proper job is not being done in the schools. At the October 31, 1981 public meeting, the Commission heard concerns along these lines, as well, from Mr. David Naish, a CUPE employee of the Northumberland-Newcastle Board of Education. He is quoted in your written account of that meeting as having said "I think that part of our Board's programme was absolutely disgusting" in reference to the work practices used.

We therefore urge the Commission to investigate how the schools programme is working across the province. Travel to various locations and get the information directly from the board employees who are doing the remedial work rather than simply relying on bureaucrats and trustees.

Subsequent to such an investigation we believe you will find that there is a necessity for the province to directly supervise the activities of local boards so as to ensure that every student, parent, and school board employee has the same, high-standard of protection from the hazards of asbestos right across the entire province.

Having cited specific examples of the failure of government and industry to adequately protect workers from asbestos-related death and disease and the government's failure to launch an effective clean-up of the schools, we will now move on the outline what we believe to be the proper basis for public policy on carcinogens, in general, and asbestos in particular.

C) Standards and Public Policy

An issue of Occupational Health in Ontario published by the Ministry of Health in the Winter of 1976 dealt, in part, with the concept of threshold limit values (TLV's). As you know the standards currently being proposed by the government for the seven designated substances including asbestos are TLV's based on time-weighted average (TWA) exposures of 8 hours per day and 40 hours per week.

In terms of the rationale for developing TLV's, the Ministry's publication argues that ...

"...it is necessary to know what levels constitute significant exposure in terms of health effects and alternatively what levels can be accepted without undue risk to health." p.1 (emphasis added).

Subsequently TLV's are defined by the author in the following way:

"Implicit in this threshold concept is the notion that for every exposure agent there is an exposure level at which no harmful effect is produced in the worker." p.1 (emphasis added)

Aside from the apparent contradiction between "without undue risk to health" and "no harmful effect" in the above quotations, it appears that, in terms of theory anyway, the government is saying that TLV's ought to protect workers from all harmful effects of exposure to hazardous substances. At least that was the theoretical policy being articulated in 1976.

With regard to asbestos specifically, it is clear from a recent publication of the Occupational Health and Safety Division of the Ministry of Labour entitled Asbestos in Public Buildings, dated March 26, 1980, that the government recognizes that it is not possible to establish a "level at which no harmful effect is produced in the worker."

Four of the most important statements in that document which leads us to draw this conclusion are the following:

- "Existing guidelines for controlling exposure to asbestos in the occupational setting have been developed to control the development of asbestosis, rather than cancer." (p. 1.1)
- "... there is currently no scientific basis for establishing any level of exposure as an acceptable guideline." (p. 1.2)
- "...even a brief exposure may cause mesothelioma (cancer of the lining of lung or stomach cavities) thirty years later." (p. 2.1)
- "However, as with all other carcinogens, "safe levels of exposure to asbestos are unknown." (p. 2.2)

These opinions are certainly in consonance with the four recent studies reviewed by Dr. Atherley at the behest of the Commission at the first public meeting on October 31, 1980. To quote briefly from the study done by the U.S. National Institute for Occupational Safety and Health (NIOSH) it was found that:

"Excessive cancer risks, however, have been demonstrated at all fibre concentrations studied to date. Evaluation of all available human data provides no evidence for a threshold or for a "safe" level of exposure." (emphasis added p.4)

Given the apparent recognition by the government on the one hand that a TLV should be set at a level at which no harmful effect is produced in the worker and, on the other hand, that no "safe" level for exposure to asbestos can be established, how it is possible for responsible public officials to justify the proposed 1 fibre/cc standard for exposure to chrysotile asbestos? We have same objections to the other standards which the government has proposed for other types of asbestos.

Our experience leads us to agree, unhappily, with Dr. Susan Daum's explanation that "government's balancing of the cost to industry and their profits with the risk to exposed populations" is at the heart of the matter.

Simply put, the government appears willing to accept a certain number of cancer deaths in the interest of continued production and profits.

The New Democratic Party condemns this callous disregard for human life and calls on the Commission to do the same.

Exposure to asbestos must be eliminated. The Commission must determine if this goal can be guaranteed by use of engineering controls. If elimination of exposure cannot be guaranteed by this route then use of asbestos must be banned.

We fully recognize that a phases-out of asbestos use would create problems for workers and others. Some proposals to deal with these problems are discussed in the next section.

D) Comprehensive Programme to Eliminate Exposure to Asbestos:

The following recommendations are not meant to cover the whole field of actions necessary to eliminate exposure to asbestos from man-made sources. Rather, they indicate and underline our concern that a comprehensive programme designed to protect workers, consumers, and the general public is essential. With that proviso we offer the following for your consideration:

1. At the Point of Production:

Ontario badly needs a comprehensive programme to eliminate, as quickly as possible, further occupational exposure to asbestos. In part, such a programme would require, either the elimination of further workplace exposure via engineering controls or if this is not possible the banning of further production of asbestos-containing products.

Such action would have to be phased-in through compulsory substitution of alternative substances or products and relocation or retraining of any workers displaced or left without the skills needed to ensure continued employment at an equivalent rate of pay.

Even if workplace exposure can be eliminated by engineering controls, production of products containing asbestos should only continue if release of the asbestos to the environment is not possible during or after use.

While this policy is being phased-in we proposed an immediate four-point programme to deal with the problems confronting workers already exposed. We urge you to recommended the following initiatives at the earliest opportunity - perhaps in an interim report:

- a) an immediate re-evaluation of the Workmen's Compensation Board's Special Rehabilitation Programme for asbestos workers, to determine its effectiveness in protecting workers already showing signs of exposure, with specific emphasis on the criteria for removing a worker from exposure and protecting the worker's right to employment and comparable income;

- b) the institution of a programme to encourage workers showing signs of asbestos exposure to transfer to the other jobs at comparable pay, instead of the present policy which encourages workers with partial disabilities to continue working at the place of exposure;
- c) the WCB should immediately halt its practice of denying a pension to the spouses of workers whose deaths are related to an asbestos disease or condition, but where the immediate cause of death is listed as some other event or condition such as a heart attack;
- d) a comprehensive effort to trace all workers involved in substantive asbestos-related employment in Ontario over the past 40 years so that they can be alerted to the possible dangers to their health and have their conditions evaluated.

In addition, we recommend that a government-funded educational programme be produced in cooperation with the appropriate unions to inform all asbestos workers and their families about the potential health hazards of asbestos so that the need for urgent action is understood and hopefully supported by the vast majority of those affected.

These policies are essential to protect both the health and incomes of workers and their families.

2. At the Point of Consumption:

All new production of commodities containing free asbestos as well as those from which asbestos fibres can be dislodged should be phased-out. This will protect consumers from new sources of exposure.

At the same time, an educational programme to alert consumers to the hazards posed by products previously purchased should be developed by government in conjunction with consumers' organizations.

Assistance with the identification, encapsulation or removal, and disposal of existing sources of exposure from household products, for example, should be

provided so that people can safely eliminate further risk to themselves and their families.

3. Environmental Exposure:

People continue to be at risk due to asbestos exposure in buildings of one kind or another. In fact, at the recent American Association for the Advancement of Science meeting in Toronto, P.W. Purdom of the Environmental Studies Institute of Drexel University in Philadelphia, and author of a U.S. survey of the health hazards associated with insulation materials, indicated that about half of high-rises built in the 1960's contain asbestos insulation or fireproofing materials. Even though its use has now been banned, Mr. Purdon believes that asbestos already in place "...is still one of the most dangerous causes of air contamination." (GM Friday, January 9, 1980)

We would like to know if a total ban on the use of asbestos as a construction material in Ontario is effectively in place? During the asbestos-in-schools controversy we uncovered the fact that the installation of asbestos-covered fire dampers was required in certain design options by the Ontario Building Code. The section has been amended, but the public requires assurance that this action is sufficient to eliminate the problem.

To this end, the Commission should investigate the extent to which asbestos used in construction poses a threat to health in Ontario. If fibres are being circulated through the air plenums, for example, then some way must be found to eliminate this exposure, through encapsulation or removal. Encapsulation, to the best of our knowledge, is neither fail-safe nor permanent. If the Commission cannot be assured that the use of encapsulation techniques will eliminate the possibility of further exposure then removal will be the only acceptable course of action.

In any event, a registry of buildings containing asbestos should be developed immediately so that any removal, renovation or demolition work which takes place in the future is done using methods which protect the health of workers and the general public.

Strict disposal regulations should also be put in place to remove the possibility of waste sites becoming future sources of contamination.

While on the subject of disposal sites, we urge the Commission to take a thorough look at what happened to the process waste from both existing and previously operating manufacturing and mining facilities. Did all the waste from Johns-Manville's Scarborough operation end up in the settling ponds behind the plant? Is any asbestos leaching into Lake Ontario or being picked up by the wind? Answers must be found for these and other related questions.

Conclusion:

We wish to thank the Commission on behalf of the Ontario Caucus of the New Democratic Party for the opportunity to recount some of our experience and express our concerns, about public policy and the health and safety hazards posed by asbestos.

You face a difficult task ahead of you but one which gives you the opportunity to fundamentally alter how our society deals with the problems of exposure to carcinogens.

Unlike some of the other risks people face on a day-to-day basis there is nothing accidental about workplace exposure to these substances. Someone has decided to put workers or the public at risk. The Commission must make sure that its recommendations if implemented will be sufficient to eliminate the health hazards posed by asbestos.

To this end, we would like to leave you with the following passage from a recent book entitled "Cancer and the Worker".

"The real issue in occupational cancer is not so much if we can prevent it as whether we are willing to prevent it. Occupational cancer is a "social disease", a disease whose causes and control are deeply rooted in the technology and economy of our society. Prevention of cancer is largely an attainable goal, but it requires the co-ordinated effort of all parts of society: government, the scientific community, industry, labour, and an informed public."

Appendix .1

Directives from Ministry of Education

Re:

Asbestos Hazards in Schools

1968 - 1980

Ministry
of
Education

Mowat Block, Queen's Park
Toronto, Ontario
M7A 1L2

1980: B9

Ministry of
Colleges and
Universities

INFORMATION SENT TO ALL TRUSTEES

Acting Director of Education October 31, 1980

MEMORANDUM TO: DIRECTORS OF EDUCATION

RE: ASBESTOS HAZARDS IN SCHOOLS

School boards are reminded of the need to include a copy of the approval of the Ontario Fire Marshal when submitting a request for final approval to the Ministry for asbestos correction work. This applies to work involving encapsulation, covering or removal.

It is essential that all safety precautions be enforced when asbestos work is being carried out. These apply to work procedures, the use of protective clothing and masks, the use of protective coverings for walls, floors, and equipment, the method of disposing of asbestos materials, the use of warning and danger signs, and the final building cleaning procedures. The recommendations for such precautions have been published and attention is directed to the following:

1. The Report of the Advisory Task Force on Asbestos in Schools, May 1980, published by the Metropolitan Toronto School Board.
2. Inspecting Buildings for Asbestos, December 1979, prepared for Ministries of Education/Colleges and Universities by Ontario Ministry of Labour, Occupational Health and Safety Division.
3. Asbestos-containing Materials in School Buildings, A Guidance Document, Parts 1 and 2, March 1979, published by the U.S. Environmental Protection Agency.

James Martin
for.

D. A. Penny
Executive Director

Oct 24/80



Ontario

80-A-2

Ministry of
Education
Ministry of
Colleges and
Universities

Telephone 416/965-5342

22nd Floor
Mowat Block
Queen's Park
Toronto, Ontario
M7A 1L2

Our file number

Your file number

MEMORANDUM TO: Presidents
Colleges of Applied Arts and Technology

FROM: T. Philip Adams

SUBJECT: Asbestos Hazards

DATE: January 28, 1980

The mid 1979 survey to ascertain asbestos hazardous conditions made reference to the following types of materials:

1. Exposed fibrous materials applied to the ceilings and other surfaces within the building.
2. Fibrous materials applied to the underside of floor slabs, structural framing, columns, etc., above suspended ceilings where the space is used as an air plenum.
3. Hard boards used as wall panels, counter tops, etc., and floor tiles.

Samples of the materials described under Item 1 and 2 should be carefully collected and sent for analysis for asbestos content to the Occupational Health Laboratory of the Ontario Ministry of Labour. If the tested material contains asbestos fibres an assessment should be carried out to determine what corrective action should be taken.

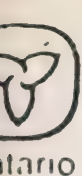
The method of collecting samples should be in accordance with the manual "Inspection of Buildings for Asbestos" produced by the Ministry of Labour. This manual was prepared for the Ministries of Education and Colleges and Universities and a copy is enclosed for your use.

- 2 -

If requested, Ministry staff will assist college authorities to determine the most satisfactory corrective action in those cases where analysis reveals asbestos fibre content in the material.

T. Philip Adams
Assistant Deputy Minister
College Affairs and Manpower
Training

Note: Enclosure sent only to the Presidents.



Ministry
of
Education

Mowat Block, Queen's Park
Toronto, Ontario
M7A 1L2

1980:B 3

Ministry of
Colleges and
Universities

CHIEF OF STAFF
MINISTER

MEMORANDUM TO: DIRECTORS OF EDUCATION

FEB 4 1980

RE: ASBESTOS HAZARDS

ONTARIO BOARD OF
EDUCATION

The mid 1979 survey to ascertain asbestos hazardous conditions made reference to the following types of materials:

1. Exposed fibrous materials applied to the ceilings and other surfaces within the building.
2. Fibrous materials applied to the underside of floor slabs, structural framing, columns etc. above suspended ceilings where the space is used as an air plenum.
3. Hard boards used as wall panels, counter tops etc. and floor tiles.

Samples of the materials described under Item 1 and 2 should be carefully collected and sent for analysis for asbestos content to the Occupational Health Laboratory of the Ontario Ministry of Labour. If the tested material contains asbestos fibres an assessment should be carried out to determine what corrective action should be taken by school boards and other educational authorities.

The method of collecting samples should be in accordance with the manual "Inspection of Buildings for Asbestos" produced by the Ministry of Labour. This manual was prepared for the Ministries of Education and Colleges and Universities and a copy is enclosed for your use.

The Architectural Services staff, Grants Policy Branch of the Ministries will assist school boards where necessary, to determine the most satisfactory corrective action in those cases where analysis reveals asbestos fibre content in the material.

D. A. Penny
Executive Director
Planning and Policy Analysis

January 25, 1980

File number

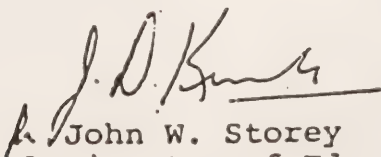
MEMORANDUM TO: DIRECTORS OF EDUCATION
CENTRAL ONTARIO REGION

SUBJECT: ASBESTOS HAZARDS

This is written as an assistance to boards in their answering the memorandum of July 17, 1979, on this subject.

Below are listed the major types of asbestos hazards which should be reported:

1. Asbestos sprayed on exposed metal surfaces, such as steel beams and ventilation hoods in laboratories. To some degree, suspended ceilings would overcome the hazard represented by sprayed asbestos on overhead steel beams.
2. Asbestos panelling and counter tops in cases where the hard protective surface has been broken and the inner asbestos component exposed.
3. Mechanical installations such as air conditioning and heating units which might have loose asbestos particles within it.


John W. Storey
Regional Director of Education

c.c. Senior Business Official

July 27, 1979



Ontario

Ministry of
Education

Central Ontario
Region

Telephone
416 / 491-0330

2025 Sheppard Ave. E.
Suite 3201
Willowdale, Ontario
M2J 1W4

File number

MEMORANDUM TO: DIRECTORS OF EDUCATION
CENTRAL ONTARIO REGION

SUBJECT: ASBESTOS HAZARDS

The Minister of Education has requested that a survey be undertaken by school boards of all schools in the province to determine if any hazardous conditions exist due to asbestos.

Kindly review the facilities within your jurisdiction and report to us the following data:

- (a) name of building,
- (b) year of construction,
- (c) use of exposed asbestos in the form of sprayed surfaces, wall boards, counter tops, etc., and approximate extent of the application,
- (d) plans for a remedy to the existing condition.

A reply to Mr. A.C. Cunningham of this office by August 31, 1979, will be appreciated, including a Nil report where applicable.

M. Liebovitz
For

John W. Storey
Regional Director of Education

c.c. Senior Business Official - ADE

July 17, 1979

MEMORANDUM TO: REGIONAL DIRECTORS OF EDUCATION
DIRECTORS OF EDUCATION
PRINCIPALS OF SCHOOLS

RE: 1. SAFETY

- (a) USE OF ASBESTOS POWDER IN SCHOOLS
(Ref. Memorandum 1968-69:21)
- (b) AMENDMENT TO SCHOOL BUS STOPPING LAW
- 2. PUBLICATION, *AFTER EIGHT?*
- 3. HOW TO LOOK FOR A SUMMER JOB
(Attention all Guidance Counsellors)
- 4. CAREERS CANADA - Guidance Information
- 5. BOOKLET - ONTARIO MEDAL FOR GOOD
CITIZENSHIP 1974

1. SAFETY

- (a) USE OF ASBESTOS POWDER IN SCHOOLS
(Ref. Memorandum 1968-69:21)

Memorandum 1968-69:21, dated November 29, 1968 advised that the use of asbestos powder in all schools be stopped. This action was taken on the basis of research at that time speculating on the material having qualities detrimental to health. More recent research, and events, tend to confirm these earlier indications.

It has not been brought to the attention of the Ministry of Education that any schools are using asbestos powder as a modelling medium, or for any other purpose. However, as a precautionary measure, and in view of staff turn-over since the 1968 memorandum, the attention of teachers is drawn to the previous indication that asbestos powder should not be used.

(b) AMENDMENT TO SCHOOL BUS STOPPING LAW

Early in March, the Minister of Transportation and Communications, Mr. John R. Rhodes, announced his intention to introduce an amendment changing the effective date of the new School Bus Stopping Law from April 1 to September 1, 1975.

The proposed changes in the law, requested by the Ministry of Education, various school boards and many school bus operators, will give both the school bus operators and Ontario motorists more time to become familiar with the law.

With the start of the school year in September motorists will be required to stop in both directions when approaching a school bus with its alternating red lights flashing, regardless of the posted speed limit.

1968-69:21
24.000

ONTARIO DEPARTMENT OF EDUCATION

MEMORANDUM TO: DEPUTY DIRECTORS AND SUPERINTENDENTS
PROGRAM CONSULTANTS
MUNICIPAL DIRECTORS AND SUPERINTENDENTS
PRINCIPALS OF SCHOOLS
SECRETARIES OF SCHOOL BOARDS
PRINCIPALS OF PRIVATE SCHOOLS
PRINCIPALS OF TEACHERS' COLLEGES

WARNING

RE: ASBESTOS POWDER NOT TO BE USED AS A MEDIUM IN ART CLASSES

The medical profession is currently engaged in research concerning the effects of asbestos powder. There is speculation that it may have qualities detrimental to health. Until results are available, the Department of Education advises that the use of asbestos powder in all schools be stopped. Papier mâché, strips of paper dipped in paste, clay or a sawdust and glue mixture, could be used for modelling in place of asbestos powder. For methods and recipes regarding these other materials, classroom teachers could consult either those holding art certificates, or the Program Consultants in Art.

G. L. Duffin

G. L. Duffin,
Assistant Deputy Minister.

November 29, 1968.

Appendix 2

Sampling of Verbal Questions
Concerning Asbestos
Asked of Government Ministers
by
Members of the Ontario New Democratic Party
Caucus

March, 1980
to
December, 1980

MARCH 27, 1986

introduction of a 10 per cent autonomy to the universities in response to their request.

USE OF ASBESTOS IN SCHOOLS

Mr. M. Davidson: Mr. Speaker, my question is also to the Minister of Education. It arises out of the unfortunate death of Mr. Clifton Grant, a former employee of the Scarborough Board of Education. Is the minister aware that at an inquest yesterday into Mr. Grant's death, medical testimony showed that he was a victim of mesothelioma, a cancer which is caused by exposure to asbestos? Is the minister also aware that the Workmen's Compensation Board recognized the claim on the basis that it was a work-related disease?

Is the minister not now concerned that the situation of asbestos in schools is much more serious than we had previously been led to believe, and can she tell us what she plans to do to ensure the safety and well-being of all those who may be affected?

Hon. Miss Stephenson: Mr. Speaker, I am sure the honourable member is aware that very early in the 1970s the Ministry of Education sent out directives to the school boards requesting specifically that they not use asbestos materials within the school system.

I am sure the honourable member is also aware that in conjunction with the Ministry of Labour we have been developing, over the last several months, a policy of investigation of schools in which some asbestos material might have been used and the taking of air samples to ensure that there is no asbestos hazard for students. A document has been prepared, which has been delivered to the directors of education of every school board in the province and to the school board chairmen of every school board within the province, with specific directions about the way in which the sampling should be carried out, the place to which the sample should be sent, the action to be taken and the assistance which will be provided by the Ministry of Education in solving the problem if asbestos fibres are found in the samples. This action has been taken. Every board has this information; it is detailed information. They know exactly where to go with their samples and what to do in terms of requesting assistance.

Mr. M. Davidson: I appreciate the information the minister has given us, but I'm not at all sure that's the answer to the problem.

Does the minister not agree that an immediate program of testing be carried out by

the occupational health and safety division of the Ministry of Labour, rather than leaving the sampling to the local school boards, which is what she intends to do? Does she not understand that trained personnel should be doing the sampling, which should also include air sampling? Is she not concerned with the reported comments of the associate chief architect of the Ministry of Education to the effect that by having each school conduct the search the government could very well be missing some asbestos?

Hon. Miss Stephenson: Each school board is responsible for the search, and the taking of the samples is not a particularly complicated kind of activity. The specific instructions have been designed by the occupational health and safety division of the Ministry of Labour. Indeed, it was their suggestion that the sampling be carried out in this fashion.

All the samples are submitted to the occupational health and safety laboratory for examination. If there is any question or any difficulty, we stand ready to be of assistance to boards. But boards have people capable of doing the sampling which is necessary, including the air sampling which is being done.

INTEREST RATES

Mr. Riddell: Mr. Speaker, a question to the Minister of Agriculture and Food. Since the federal government to this point has not indicated any kind of assistance to the farmers who are in trouble because of high interest rates: since it is predicted that 100 farmers will be going into bankruptcy each month that the interest rates remain high; and in view of the fact that most other Canadian provinces are assisting their farmers who are facing increased financial costs because of the higher interest rates—I'm referring now to the privileged interest rates on loans such as 2.5 per cent in Quebec, nine per cent in British Columbia, 6.75 per cent in Saskatchewan, 12 per cent in Manitoba and the provincial lending rate minus three per cent in New Brunswick—can the minister tell us what plans his government has to assist our farmers, without giving his usual excuse that he is waiting for a response from the federal government?

Hon. Mr. Henderson: Mr. Speaker, the honourable member has asked a question to which he himself knows the answer.

On Monday of this week I met with the representatives of the Ontario Federation of Agriculture, and they restated their position, which I support fully. First, they are ap-

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aware of the situation and, while one can interpret the technical aspects of the new regulations, the practice to date has been to meet the needs of Petrosar. We will continue to press that point of view to the government of Canada. In fairness, the government of Canada has been sympathetic to that point of view. So has this government, the former government and the government before that.

Mr. Blundy: Does the Premier recall that on December 12, 1978, I raised this same issue in the House? After a page of Hansard, I couldn't see what his answer was at that time. I would like to raise the question again now.

The Premier will recall he was present five months ago when he opened the Suncor plant, which is also now being jeopardized by the moves being made by the Alberta Petroleum Marketing Commission. Is the Premier personally going to try to achieve some kind of security for these two plants that mean so much to the wellbeing of Ontario and to employment in Sarnia and Lambton?

Hon. Mr. Davis: Mr. Speaker, I'm quite familiar with the question that was asked in 1978. If the member would like me to go through the answer I gave in 1978, I would be delighted to do so again.

The only plain point I would make to the member for Sarnia—and being the very fair-minded and objective member he is, I know he will report what I am saying is that I think when one looks back to 1978 we see that we've had two years when Petrosar has had the feedstock and when it has been competitive: At the new plant I had the pleasure of assisting in opening, I made it quite clear how important this industry was to Ontario, and that this government would make every effort to see they got the feedstock and that it was at a competitive price.

I think the honourable member perhaps was almost in support of my point of view in 1978 when I argued, very strenuously with the then government of Canada, that there should always be a price differential in terms of feedback going into Sarnia vis-à-vis other areas, contrary perhaps to the policy of the member's own party. I don't want to get controversial here today but I think our position on this has been consistent throughout. It will be maintained. To date we have had some measure of success, which has been demonstrated in my conversations with the Petrosar people, who have expressed their appreciation for the efforts of this government to see that they remain a very viable

industry to the benefit of the people of Lambton, Sarnia and the province.

Does the member understand all that?

USE OF ASBESTOS IN SCHOOLS

Mr. M. Davidson: My question is directed to the Minister of Education. Yesterday, in response to a number of questions I raised with the minister, she indicated school boards were carrying out air samplings in order to determine whether or not asbestos was prevalent throughout the school system.

Can the minister then explain why it is that the directives sent out by her ministry dated January 25, 1980, under the letterhead of her ministry, in which the information she referred to yesterday is supposedly contained under "Collection of Samples for Analysis," nowhere does it indicate that air sampling should be carried out nor does it give direction as to how it should be done.

How can she explain that staff and officials at both the Toronto Board of Education and the Metropolitan Toronto School Board have indicated to us quite clearly that air sampling is not being carried out nor has it been carried out? Can she explain her statements to us given those remarks?

Hon. Miss Stephenson: Mr. Speaker, I think if the honourable member were to read the document that went out with the numbered memorandum in January, he would find on page 4.1, that the directions for the collection of samples are spelled out. It is a yellow document which was included with the directive that was sent to each and every school board. The directions for collection have been devised by the Ministry of Labour occupational health and safety division and were considered by that branch to be appropriate.

An hon. member: Did it ask for air samples?

Hon. Miss Stephenson: Yes. The directive which was sent suggested very strongly that collection should be taken in air space where an air plenum might, in fact, be contaminated with asbestos; that is on the numbered memorandum directive. I cannot tell the honourable members why collection is not being carried out by various school boards, but that directive was submitted, and if the school boards are not doing as requested then we shall certainly attempt to make sure that it is done.

Mr. M. Davidson: A supplementary: Yesterday, the minister quite clearly said to this House that over the last several months we have developed a policy of investigation of schools in which some asbestos material might possibly have been used, and the taking of air

samples in order to ensure there is no asbestos hazard to students. In regard to the supplementary she answered: "But boards have people capable of doing the sampling which is necessary, including the air sampling which is being done."

I would like the minister to tell us which school boards are carrying out air sampling, and how and where it is being done?

Hon. Miss Stephenson: I shall collect that information and report to the House.

Mr. Swart: Read it.

Hon. Miss Stephenson: I'm telling the member I don't know them.

Mr. B. Newman: A supplementary: Did the minister attach to any of those letters that she may have sent to the boards, a specific notice that they must return a copy of their report to her personally, or to her office personally, so she could check up on them and see that they do carry out the samplings?

Hon. Miss Stephenson: That request was not made. It is a useful suggestion which I shall consider seriously. We have constant communication with the laboratory of the occupational health and safety division and are aware of those boards which have done certain of the work at any rate. That might be an interesting thing for us to suggest so we will have a constant record of the boards involved in it.

Mr. Ziemba: Yesterday, the minister told us that since 1970 no asbestos-containing material is to be used in new construction. How is it, at this very moment, that this very same asbestos-containing material is being installed at Harbord Collegiate Institute, which is not too far from here, at some risk to the workmen and even more risk to the students? The minister is still doing it.

Hon. Miss Stephenson: I'm not doing it. A directive was submitted in the late 1960s and again in the early 1970s warning boards of the potential hazards of asbestos-containing materials in school buildings. The responsibility for the construction, of course, remains with the boards of education. While we attempt to assist them in the discharge of their responsibilities, it cannot be assumed that the total responsibility should fall upon the Ministry of Education.

However, the matter at Harbord is related to a problem of the air ducts between classrooms which have dampers as a fire retardant. Those dampers, I am informed, have been coated with asbestos. There is apparently no problem when the dampers are closed. The problem occurs, of course, when

the dampers are open and the air flows through and the asbestos may flake off. That is a matter of very real concern, and the Metropolitan Toronto board, I'm sure, must have been aware of that. The occupational health and safety division has been involved in attempting to resolve this problem, and I do not know what the final resolution will be.

10:40 a.m.

Mr. Breithaupt: Mr. Speaker, I regret I wasn't here for her statement yesterday, but will the minister table a compendium of the various directives that have been sent and their dates, including that yellow-paged document that she referred to? And will the minister also be able to advise the House what approximate costs may occur in reconstructing and repairing the various areas that are involved and how the funds will be provided to do those reconstruction or repair costs? Will they come from the board or is the ministry going to be in a position to attempt to resolve this problem which appears to be widespread?

Hon. Miss Stephenson: It perhaps is somewhat less widespread than we might suspect. The ministry did carry out a survey of its own last fall and identified a number of schools, not a huge number, in which it could be a potential problem.

As a matter of fact at that time when there was concern about the installation of this air venting system at Harbord, the Ministry of Education's architectural branch advised the Toronto city board not to install those dampers; but they were installed and they are a problem at the present time.

We will develop the compendium. We have early information that almost all boards, except the Metropolitan Toronto boards, have provided the survey information for us. Certain Metropolitan Toronto boards have not, at this point, but I can tell members that the Waterloo board, for example, has, and I believe Kitchener boards have reported the results of their surveys.

Mr. Ziemba: The minister told the House that these dampers are only a problem when they are open. In fact, these dampers are always open; that is how they work, Mr. Speaker.

Mr. Speaker: What is the question?

Mr. Ziemba: My question is when are we going to get some straight answers on this very serious problem?

Hon. Miss Stephenson: My understanding, as a non-engineer and a not particularly mechanical individual, is that a damper is

something which is closed from time to time in order to dampen some activity which is going on. The damper is open in normal circumstances in that instance, but when a fire occurs it is closed in order to reduce the potential spread of the fire.

Mr. Foulds: So it is not a problem when there is a fire. Is that right?

Hon. Miss Stephenson: Mr. Speaker, I am sorry, I almost can't hear myself think because of the honourable members.

It would be closed in time of fire and I would not say it would not be a hazard then; it would be a protective mechanism then in terms of a fire, but not necessarily very protective in terms of the asbestos coating that is on it.

To answer the final part of the honourable member's question which I neglected to do last time, the Ministry of Education can certainly absorb its share of the costs required to provide the protective covering, whatever is necessary, in order to solve the problem for all of the schools that we are aware will have a problem this year.

WORKMEN'S COMPENSATION

Mr. M. Davidson: My question, Mr. Speaker, is to the Minister of Labour. Can the minister explain to us how it could possibly be that following the death of Mr. Clifton Grant, recognized by the Workmen's Compensation Board as a claim, no follow-up was allowed to his fellow workers? Can he explain the statement of John Hastings, the compensation board's spokesman, who said that it was up to the occupational health branch to do any follow-up? Hugh Nelson, a director of the branch, said his department was never notified of the case. Can the minister explain the lack of communication in his ministry that would allow this to happen?

Hon. Mr. Elgie: First of all, Mr. Speaker, it was at the request of this minister, in response to a request from another member that the investigation with regard to Mr. Grant's claim be expedited, and it was so done. At that time I, personally, was not aware of the issue in the claim, but the investigation was expedited as a result of some information obtained from one of the members.

At this very moment as we talk, some of my staff are there investigating the shop and, indeed, all of the workers in that shop will undergo a medical assessment. As to whether there was previous notification, I am aware of the statement of Mr. Nelson

and all I can tell the honourable member at this time is that I am making inquiries into it and I will report to you, Mr. Speaker.

Mr. M. Davidson: Given that Mr. Grant had not worked since June 1, 1979, which is almost a year ago, and given that there were indications he was suffering from mesothelioma prior to the beginning of this year or prior to this incident occurring, surely there should have been follow-up with the people who worked with him and beside him on the job.

In answer to a question from the member for Hamilton East on Tuesday, November 14, 1978, when we were talking about the foundry workers, the minister made the following statement:

"I want to assure members that as a result of this incident I have directed that the entire communications system between the board and my ministry be reviewed in order to ensure there will be no recurrence of this unfortunate and frankly unacceptable course of events."

Can the minister explain why we once again have a situation where there is no communication between the board and his ministry, and how long is the minister going to allow this to continue?

Hon. Mr. Elgie: The member well knows the review which took place with regard to communications but, with regard to this particular situation, I would agree that once the determination was made that it was a mesothelioma related to asbestos, there should have been some follow-up; that is what I am inquiring into.

Let me emphasize, first of all, that not all mesotheliomas are related to asbestos, but once that determination was made, there should have been some communication and follow-up; that is what I am inquiring into, and I will be glad to report back to the member.

Mr. S. Smith: Perhaps by way of stretching a supplementary question a little, if the Speaker permits: As a result of this particular case, there has been considerable discussion with people in the Ministry of Labour and some public statements made which would indicate a good many of the multi-storey buildings in Toronto and the rest of Ontario built before 1972 may well be in exactly the same dangerous position. This could obviously present a horrendous economic and health problem to Ontario.

May I ask what the approach of the minister is at this time with regard to assisting with inspection of other buildings, apart from

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I have not authorized the further release of the report of the board of review on the advice of our counsel and, as I say, backed up I suppose by the request or comments of other counsel.

2:30 p.m.

Mr. T. P. Reid: Mr. Speaker, a supplementary question: Did the minister's non-knowledge or ignorance of exactly what did happen extend to his staff? Did he tell them not to inform the parents of the people who were involved, who died as a result of the accident? Did he inform his staff that they were not to speak to those parents who subsequently had to hire lawyers at their own cost, so far, to find out and ascertain exactly what had happened? Why were they not at least told about the wind shift and all the rest of it?

Has the minister made a decision in cabinet to assist those people with their legal costs in regard to the inquest?

Hon. Mr. Auld: Mr. Speaker, in regard to the first part of the question, I gave no instructions. I am not sure anybody did, other than when it became apparent that an inquest was to be held, it may well be, as I understand happens, that it was indicated the coroner did not want those who would be testifying taking part in discussions. No instruction was given by me not to inform the parents. As for instructing my staff not to brief is concerned, what I said was I do not need a weekly briefing.

Mr. McCormack, who is the chairman of the board of review, attended the inquest and was there every day, as far as I know, and was available for questioning if the coroner or the crown counsel so desired.

I was aware in general of the way the inquest was proceeding. What I said was that I did not want an exhaustive briefing once a week as to what had transpired at the inquest.

I think the matter of the solicitors' fees is a question that should be addressed to the Attorney General (Mr. McMurtry), as was the case on Friday.

USE OF ASBESTOS IN SCHOOLS

Mr. S. Smith: Mr. Speaker, I would like to direct a question to the Minister of Education regarding the closing of Harbord Collegiate Institute and the statement she made in the House today.

Given that things have now moved to the point where the school has been closed and the students sent home today, on the basis, I gather, of a high asbestos level either having been found or suspected—and I think it was

found, if I am not mistaken; she can correct me if I am—would the minister not agree this is a matter that requires more than the occasional conversation between people in her ministry and unnamed individuals at the school board, and a directive should be ordered that asbestos materials not be used in these school applications?

Could the minister be more specific, rather than leaving a pall of some kind over the entire school board? Could she be specific as to who it was at the board of education who communicated with an official in the ministry and what that person was told, so the public will have some way of assessing responsibility for the insulation practice which was going on?

Hon. Miss Stephenson: Mr. Speaker, on February 27, Mr. Orłowski of the architectural branch of our ministry met with Mr. G. Frittenburg of the board of education of the city of Toronto and three other officials whose names I do not have, to examine the dampers which the school board was planning to use in the project. The architect commented at that time that the asbestos edges of the damper were not properly finished and that they might constitute a health hazard. He suggested that they not be used and that the manufacturer be contacted to see if an improvement could be made to reduce that hazard.

Mr. S. Smith: I am sorry to say to the House I don't know who Mr. Frittenburg is, or whether he is a senior official or not. Perhaps the minister could clarify that. It may be that Mr. Frittenburg is well known to the members in the back row, but I don't know who Mr. Frittenburg is.

Given the seriousness of the matter, and given the fact that the school has been closed, does the minister not think it has come to the point where an official directive should and must now be issued by the ministry, rather than being left to these informal consultations with middle-level people who may or may not have responsibility? Shouldn't the minister now issue the clear directive that these materials must not be used?

Hon. Miss Stephenson: I think that has been made abundantly clear to the board, but I shall take the suggestion of the Leader of the Opposition into very serious consideration.

Mr. Ziemba: A supplementary question, Mr. Speaker: Now that the Minister of Education has admitted she erred last week and has apologized, is the ministry prepared to pay for the province-wide asbestos cleanup in our schools?

Hon. Miss Stephenson: Mr. Speaker, I think I have already informed the House that the funding which is available through the Ministry of Education this year should cover the ministry portion of that problem within the schools in the province.

There are 4,500 schools in Ontario, and it is estimated at this point, under fairly careful conditions, that approximately 150 schools are involved in this problem.

Mr. Sweeney: Mr. Speaker, a supplementary question: Under what conditions will Harbord Collegiate Institute be reopened?

Hon. Miss Stephenson: Mr. Speaker, I am sure that will be done under conditions adjudged appropriate by the Minister of Labour (Mr. Elgie) as a result of consultations which are taking place this afternoon between representatives of the Toronto board, representatives of the occupational health and safety division of that ministry and representatives of the Ministry of Education.

Mr. R. F. Johnston: A supplementary question, Mr. Speaker: Can the honourable minister explain to the House why, if it was appropriate for teachers and students to be evacuated from the school, no instruction was given to ask the maintenance workers to leave the school? It is my understanding the union had to do that itself around noon today, and as recently as half an hour ago they were still waiting in the parking lot for instructions from the principal to go home.

Hon. Miss Stephenson: No, Mr. Speaker, I cannot explain that, because the decision was taken by the Toronto Board of Education. The Toronto board obviously had some rationale for that decision, of which I am not aware at this point.

Mr. Cassidy: Mr. Speaker, I have a question of the Minister of Education arising out of the confused handling of this whole asbestos situation when it has been known for a long time just how hazardous asbestos can be, whether it is in the work place, in the atmosphere generally or in schools.

Given the statement the minister made today that the ministry has done everything possible at this time to alert every school board of the dangers of the use of asbestos, would she explain how it is, when the carcinogenic problems from asbestos were identified last summer, it was not until November that procedures for identifying the samples that would be taken had been devised? Would she say why it was then a further two and a half months before the manual given to school boards was actually received by them late in January or early February?

If this was a matter of such urgency, how is it it took from July until January? And how was it that procedures developed in November took two and a half months to get into the hands of the school boards so that they could take samples and get them identified as to whether they contained dangerous amounts of asbestos?

Hon. Miss Stephenson: Mr. Speaker, from July 1979 until mid- or late fall 1979, a number of procedures were examined in consultation with representatives from my ministry by various school boards to determine the best way to ensure that the examination would reveal the information required in terms of identifying asbestos fibres.

A number of procedures were carried out by certain school boards which were found to be useless in determining the presence of fibres in the material. The decision was taken that, in conjunction with the occupational health and safety division, a manual which would be available to all school boards would be developed so that the school boards generally would know the best method for collection of materials in order that the best information could be developed related to the presence or absence of asbestos.

Mr. Cassidy: The minister hasn't even responded to part of my question: which is when the manual was developed? The minister told this House on November 8, 1979 that the procedures had been established, why was it then a further two and a half months before that material was put into the hands of the school boards?

In addition, why is it when we talked to school boards today we established that there was total confusion over many aspects of that program and continued problems in communication between the Ministry of Education and the Ministry of Labour?

2:40 p.m.

Why is it, for example, that school boards like Carleton Public and Lanark-Leeds and Grenville apparently never received a manual on inspecting the buildings? Why is it, when a number of boards attempted to follow the instructions to sample asbestos, they were unable to get the bags they were told to use? The Ottawa separate, the Carleton public, the Leeds and Grenville public, the Lanark-Leeds and Grenville separate and the Newcastle and Durham public boards were all unable to get the bags. Why is it, when some boards asked about bags, they were told, on the one hand, "Don't submit samples unless you get the approved bags from the Ministry of Labour," and in another case,

"Send the material in Glad bags tied with a little plastic sealer?"

Mr. Speaker: Order. The question has been asked. Surely, if the honourable member wants that much detail, it should be made an inquiry of the ministry.

Hon. Miss Stephenson: The information regarding the appropriate methods of testing was developed in conjunction with the occupational health and safety division of the Ministry of Labour. The occupational health and safety division then proceeded to the printing or appropriate setting out of the information for school boards. It was jointly approved and, when approved, it was delivered by mail to all the school boards in the province. If they didn't get it, I am sorry they didn't. I can't account for the mail service, but it was submitted to every board in Ontario. If the bags were not available at the time the request was made, I am sure they were made available as soon as possible by the occupational health laboratory.

Mr. Kerrio: A supplementary question, Mr. Speaker: While we are all anxious to get this particular problem clarified, would the minister take it a step further with the minister in charge of the Ontario Building Code and the Minister of the Environment (Mr. Parrott) to make certain that all the buildings in Ontario are going to be protected from this kind of involvement as it relates to asbestos and asbestos fibres?

Hon. Miss Stephenson: Thank you.

Mr. Cassidy: Mr. Speaker, given the assurance the minister has just given the House, would she explain why it is that the Carleton Board of Education identified friable asbestos material in the schools—material which was capable of causing contamination with asbestos fibre affecting school children in its schools—in the fall of last year but, because of the foul-up in communication and in getting the bags between her ministry and the Ministry of Labour, the Carleton school board was not able actually to submit those samples for evaluation in ministry laboratories until the spring of this year?

Since the inspection manual indicates clearly that exposure to asbestos at any level presents a health risk, which increases with the duration and intensity of exposure, why is it that a simple request to have testing carried out got fouled up in bureaucratic red tape and left kids at risk for a further six months?

Hon. Miss Stephenson: Mr. Speaker, I would submit that, had the Carleton board in actual fact identified asbestos fibres in friable material last fall, it had only to contact the

Ministry of Education to find a way in which to seal those friable fibres to protect the children.

FIRESTONE PLANT CLOSURE

Mr. Cassidy: Mr. Speaker, I have a new question for the Minister of Industry and Tourism.

An hon. member: He is on tour.

Mr. Cassidy: He has been conducting an active campaign for some higher job, Mr. Speaker, which takes him around every backbencher almost every question period.

Mr. Speaker: That's not a question.

Mr. Cassidy: I have a question for the Minister of Industry and Tourism. What discussions did the minister hold with Firestone before it announced Friday that it was closing its Whitby plant, which produces radial tires? What action does the government intend to take to maintain that plant and to protect the 650 jobs Firestone intends to eliminate?

Hon. Mr. Grossman: Mr. Speaker, we had discussions with the three senior executive officers on Wednesday morning of last week. My colleague the Minister of Labour (Mr. Elgie) was with me at the time. We reviewed all the aspects of the plant closure and tried to review most of the prospects for that particular plant and operation. The company has agreed with us that it will co-operate in our efforts to see if there is anything that can possibly be done to turn that into a viable operation or, in the alternative, to find other people to go in and buy up the plant and continue to employ the people there.

Mr. Cassidy: Given that this shutdown is part of the overall problems we are experiencing in the automobile industry, and given that the shutdown is connected with a program of global product mandating in Firestone—the kind of program that the minister keeps on saying will be good for us here in Ontario rather than losing us jobs—would the minister undertake to require that Firestone submit its proposed closure to a public inquiry and that Firestone be compelled to justify the closure before the plant shuts down? Will he do that so the industry in general knows that we here in Ontario won't put up with these kinds of closures, which now are occurring almost every month?

Hon. Mr. Grossman: May I point out to the leader of the third party that what has happened here is something that most people in the tire industry saw coming. There is much too much capacity in the tire industry. Firestone is not the only firm in that industry that has much too much capacity. That par-

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used. It isn't known until such time as an application is made and a permit issued. There could be a variety of places where it is used, but we will not know until the application is made and a permit issued.

ASBESTOS HAZARDS

Mr. Cassidy: Mr. Speaker, given the concern that is reflected in the statement by the Minister of Labour, we have several questions about asbestos exposure in the work place. The member for Hamilton East will be asking about Johns-Mansville, but I want to ask the minister about the situation at Certified Brake, formerly known as Royal Industries, a plant where gross violations of Ontario's exposure standards for asbestos were reported as far back as June 1977.

Can the minister explain why on March 11, when the workers had stopped work for the fourth time in four months because of unsafe working conditions that involved asbestos dust at that plant, the ministry inspectors failed to follow the provisions of the Occupational Health and Safety Act?

Hon. Mr. Elgie: Mr. Speaker, I am aware that Mr. Paul Falkowski of the steelworkers' union has written me a rather long and detailed letter inquiring into the very matters the member has raised. Without trying in any sense to evade it, I have to say I don't have that information yet, but I will be glad to table it in the House next week.

The member indicated there has been some failure of inspectors to respond. We are preparing the response to that right now. I don't have the information available immediately.

Mr. Cassidy: In view of the fact that the problems of that plant began back in 1977 and that they persisted after the workers were moved to a new plant between June and December of last year, would the minister not agree that when the inspectors failed to investigate the work place, where the workers were exercising the right to refuse, in the presence of the workers and of the workers' representative, that was a violation of the act? Would the minister not agree also that it was a violation of the act for the inspectors to depart after only 10 minutes when close to 100 workers were exercising their right to refuse? Would the minister not agree that it was also a violation of the act for the inspectors to say, "We wash our hands of this; it's a matter between management and labour"?

Hon. Mr. Elgie: I am not trying to evade anything—to defend or to say there was a wrong action on anybody's part. As soon as I have that information, I'll be prepared to

condemn anybody if there has been a mistake made, and I'll be glad to give the member that information as soon as I have it.

Mr. Cassidy: Does the minister agree with the statement by his inspector Mr. Dyson, at the plant that afternoon, and I quote: "If you work with fish, you smell like fish, and if you work with asbestos, you smell like asbestos. There is no difference"? Does the minister agree with that statement? Or does he not agree that, when his inspectors make statements like that, it's a sign of a failure of the Minister of Labour and his ministry to enforce the provisions of Bill 70 which were designed to ensure the health and safety of workers in the work place?

3 p.m.

Hon. Mr. Elgie: Let there be no misunderstanding. If that's an accurate quotation of what somebody said, he's got a problem. But I'm not trying to evade it. There's no evasion involved in this. I'm honestly trying to gather together a detailed response to a lengthy letter, of which the member has a copy. When all that data has been gathered—and I'm told as recently as today it will be available next week—I'll be glad to table it or give it to the member, whichever he wishes.

USE OF ASBESTOS IN SCHOOLS

Mr. Cassidy: Mr. Speaker, I have a new question, also related to asbestos, for the Minister of Education.

In view of the minister's statement on Monday that it was in 1968 or 1969 that her architectural officials told school boards of the dangers of asbestos in school construction and advised against its use; in view of her statement on Monday that this advice was reiterated repeatedly by the architectural staff in discussion with school board officials since 1969, can she explain how it is that over five of those years her architectural staff were approving ventilation systems that contained fire-stop flaps or dampers which were covered in asbestos because of the provisions of the Ontario Building Code in 1975?

Hon. Miss Stephenson: Mr. Speaker, I'm sure that the architects in the school building branch felt bound to comply with the requirements of the building code at that time, and I think they were unaware that there was any potential hazard from the asbestos used in that way in those fire flaps.

Mr. Cassidy: Can the minister explain why this matter was not brought to her attention,

or the attention of any senior minister, until I raised it in the Legislature this week? Her statement on Monday made it abundantly clear that, over that period of time, asbestos was not to be used in the schools. Why was that failure a reality? Why did nobody anywhere in the ministry exercise control?

Why, if the minister was so concerned, did nobody see the hazards posed by putting asbestos-covered flaps in the ventilation system, where loose particles could be taken out into every part of the schools and kids exposed?

Hon. Miss Stephenson: The ministry began its inspection of this area in addition to other areas. The air plenum was certainly one of the areas about which we had specific concern—

Mr. Warner: When?

Hon. Miss Stephenson: I guess it began in June 1979 as a result of correspondence and investigations related to the school in Hamilton.

The leader of the third party also suggested the other day that not all school boards had received copies of the document which provided instruction for inspection, and for the sealing, closing off, or elimination of the hazard. We have contacted the two boards which he mentioned specifically and both of those boards received that documentation.

Mr. Cassidy: If I may redirect a supplementary to the Premier, Mr. Speaker: Given that for five years the Ministry of Education was apparently telling school boards on the one hand, not to use asbestos, and on the other, approving the use of asbestos where the air ventilation systems could carry fibres into every classroom and expose every child; given that the Minister of Education has proven incapable of coming to grips with this problem, will the Premier not agree that it is time to remove the minister and put someone in her place who can do the job of protecting our children from asbestos in the schools?

Hon. Mr. Davis: Mr. Speaker, in that I've had more children in the schools than the leader of the New Democratic Party—probably he'll never have as many as I've had in the school system—I have total confidence in the Minister of Education, not only to protect my children, but also to look after their educational needs as well.

I have no intention of making any alterations.

NAKINA FIRE

Mr. Stong: Mr. Speaker, I have a question of the Solicitor General arising out of the documentation he provided the House this afternoon on the Nakina fire.

In view of the statutory obligation on the fire marshal to investigate the cause, origin and circumstances of any fire reported to him and, so far as it is possible, to determine whether it was the result of carelessness or design, in my opinion the fire investigation report by one Mr. Taylor, which report the minister provided to the House this afternoon, does not address itself to any conclusion or suggestion of carelessness or design but, in fact, contains three fatal errors.

First, Mr. Taylor admits that the original report may have been somewhat in error. Second, he admits that the basis of his report was a statement issued by the Ministry of Natural Resources the day after the fire. Third, he admits that he was at the scene for only two days and, at the time of the preparation of this report, he did not feel he could give an honest report on the fire until the inquest was terminated when all of the facts were known and made available to him.

In the light of the documentation the minister provided to the House today, is he still satisfied that his fire marshal conducted a proper investigation in accordance with the statutory provisions?

Hon. Mr. McMurtry: Yes, Mr. Speaker. As the honourable member has pointed out, Mr. Taylor said that as far as his responsibilities were concerned he felt, for his purposes, there might be some additional report. What the member has to understand is that the chief responsibility in this matter belongs to the coroner's office and the Ontario Provincial Police in conducting the investigation for the purposes of the inquest. The role the fire marshal's office could play, from a practical standpoint, is rather limited and not nearly as important as the roles of the coroner and the OPP in conducting a full investigation for the inquest.

First of all, as the Minister of Natural Resources (Mr. Auld) pointed out, this terrible tragedy was the first death by fire in 42 years in Ontario and the fire marshal's office, quite frankly, is not the best agency to deal with a fire of this kind. As the member well knows, the fire marshal's office is generally involved in investigations where there is some suggestion of arson, or in matters unrelated to forest fires.

In a matter of this kind the role of the fire marshal's office, given the nature of its duties, is a limited one. The chief responsibility lies

Date & No	School Boards/Schools	Reported
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Apr. 14 17754	✓ Toronto B.E. 155 College RT Orlando	3 samples 1 school
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✓ - Kent P.S. 980 Dufferin St. Toronto

Apr. 14 17756	✓ Syl Apps Youth Centre 475 Iroquois Shore Rd. Oakville L6J 5E8	4 samples 1 school
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Apr. 15 17757	✓ Durham Board of Education 555 Rossland Rd. W. Oshawa L1J 3H3 R.J. Russell	9 samples 6 schools
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- Henry St. H.S.
- Port Perry H.S.
- Claremont P.S.
- Ritson P.S.
- Anderson C.V.I.
- Admin Bldgs (2)

Apr. 15 17758	✓ Timmins B.E. Box 1020, Timmins R.J. Byrnes P4N 7H7	3 samples 2 schools
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- Pinecrest P.S.
- also test area #1

15	✓ West Parry Sound D.G. Cutance	6 samples 3 schools
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- McDougall P.S.
- Parry Sound H.S.
- Britt School

	✓ Milton-Wentworth R.C. Sep. School Board 90 Mulberry St. Box 2012 Hamilton J.F. Cutler	1 sample 1 school
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Apr. 28

Apr 15	✓ Lakehead District R.C. Sep. School Board 212 Miles St. Thunder Bay P7C 4Y5 A. Wilson	12 samples 11 schools
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- Holy Family School
- St. Ann School
- St. Elizabeth School
- St. Mary School
- St. Edward School
- Holy Cross School

Date & No	School Boards/Schools	Reported
Apr. 15 17761 (Contd)	Lakehead District R.C. S.B. St. Bernard School St. Margaret School St. Paul School St. Joseph School Corpus Christie School	
Apr. 15 17762	Mount St. Joseph College 100 Ontario Ave. S.S. Marie	2 samples 1 school
Apr. 15 17763	Barrie Board of Education 99 Ferris Lane Barrie David Harvey - Education Centre - Eastview C.I. - Park St. C.I.	6 samples 3 schools
Apr. 16 17770	Sioux Lookout Sep. School B. R.V. Roy	1 sample 1 school
Apr. 16 17771	London & Middlesex R.C. Sep. S.B. 401 Queens Ave. London Roy Beard - St. Sebastians School 225 Cairn St. London	1 sample 1 school
Apr. 16 1772	The Hastings-Prince Edward Co. R.C. Separate S.B. 158 George St. Belleville D.S. O'Sullivan - Our Lady of Mercy School, Bancroft - Holy Rosary School, Belleville - St. Joseph School, Belleville	3 samples 3 schools
Apr. 16	York County B.E. 60 Wellington St. W. Aurora Ronald A. McKnight - Dr. G.W. Williams S.S. Aurora - Markham District H.S. Markham - Thornhill P.S. Thornhill - Sutton District H.S. Sutton West	4 samples 4 schools

Apr. 29

te & No	School Boards/Schools	Reported
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r. 16 774	The Lanark County B.E. 15 Victoria St. Perth Ont. - Almonte H.S.	3 samples 1 school
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r. 16 775 -	Ottawa B.E. 330 Gilmour St. Ottawa K2P 0P9 A.J. Ritchie - Nepean H.S. - Glebe Collegiate - High School of Commerce - Brookfield H.S. - Cartier Ecole Secondaire - Andre-Laurendeau Ecole Secondaire - Woodroffe H.S. - Ridgemont H.S. - Sir Wilfred Laurier H.S. - Fisher Park H.S. - Hillcrest H.S. - Rideau H.S. - McArthur H.S.	18 samples 13 schools
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r. 16 776	Muskoka Board of Education Box 750, Bracebridge POB 1CO J.H. Clarke - Huntsville H.S. Huntsville - Bracebridge P.S. Bracebridge - Bracebridge H.S. " - Oakley P.S. Vankoughnet - Manson P.S. Severn Bridge - Beechgrove P.S. Gravenhurst - Glen Orchard Park Glen Orchard - Monck P.S. Bracebridge - Spruce Glen P.S. Huntsville - Gravenhurst H.S. Gravenhurst - V.K. Greer, Port Sydney - Riverside P.S. Huntsville	18 samples 12 schools
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Date & No	School Boards/Schools	Reported
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Apr. 16 7780	Toronto B.E. Mr. R.T. Orlando	9 samples 5 schools
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- Central Technical School
- McCaul Parking garage, Education center
- Essex Public School
- Lawrence Park C.I.
- Christie Public School

Apr. 17 782	Simcoe Board of Education 99 Ferris Lane, Barrie David Harvey	10 samples 4 schools
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- Shanty Bay School
- Steele St. School
- Johnson Street Shcool
- Eastview Secondary School

Apr. 17 784	St. Raymonds Jr. H.S. 1303 Fellows Rd. Ottawa K2C 2V8 W. Hempey	1 sample
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Apr. 17 785	Ottawa Board of Education A.J. Ritchie	4 samples 2 schools
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- Champlain S.S.
- Charlebois S.S.

Apr. 17 786	East York Board of Education 840 Coxwell Ave. J.A. Green	15 samples 11 schools
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- Cosburn School
- Leaside High
- Diefenbaker School
- Parkside
- St. Clair Jr.High
- Helwyn
- Crescent Town School
- P.A. Morrison
- East York C.I.
- McGregor School

Apr. 16 788	Hastings C. B.E. 156 St. Ann St. Belleville L.L. Decaire	2 samples 2 schools
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- Moira Secondary School

8	School Boards/Schools	Reported
8	<p>Bruce County B.C. Box 190, Chesley Ont. Mel Wedow</p> <p>- Walkerton District S.S. Walkerton</p> <p>- Ripley District Shcool Ripley Ont.</p>	<p>2 samples 2 schools</p>
8	<p>Nipissing Board of Education Box 3110 N. Bay</p> <p>- Franco-Cite Secondary School</p>	<p>1 sample 1 school</p>
8	<p>York Region R.C. Sep. S.B. 21 Dunlop St. Richmond Hill, Ont. L4C 2M6</p> <p>St. Joseph's -55 Parkway Ave. Markham L3P 2G5</p>	<p>1 sample 1 school</p>
8	<p>London B.E. 951 Leathorne St. London N5Z 3M7</p> <p>- Sir Frederich Banting S..s= - H.B. Beal S.S. - Sir Adam Beck S.S. - Tecumseh P.S.</p>	<p>4 samples 4 schools</p>
1	<p>/ Toronto Board of Education - R.T. Orlando</p> <p>- Northern Secondary School / 851 Mount Pleasant Rd. Toronto, Ont.</p>	<p>2 samples 1 school</p>
1	<p>York Board of Education / Aurora Ronald McKnight</p> <p>- O .M. McKillop P.S. 206 Lucas St. Richmond Hill</p> <p>- Kleinburg Jr. P.S. / 10392 Islington Ave. Kleinburg</p>	<p>2 samples 2 schools</p>
	<p>/ Halton Board of Education Oakville, Ont.</p> <p>- Queen Elizabeth Park School</p>	<p>1 sample 1 school</p>

Date & School Boards/Schools Reported
No

pr. 21 Durham Board of Education 1 sample
7804 ✓ Oshawa, Ont. 1 school

Admin Building

pr. 21 Humber College 14 samples
7811 ✓ 205 Humber College Blvd. 1 school
Rexdale, Ont. Gary Jaynes

pr. 21 Prince Edward County B/E 12 samples
7812 ✓ P.O. Box 220 27 schools
Bloomfield Ont. KOK 1G0

(no list of schools) *see back of sheet*

pr. 21 Scarboro Board of Education 26 samples
7813 18 schools

- ✓ - Woburn Collegiate, 2222 Ellesmere Rd. Sc.
- ✓ - Wexford C.I. 1176 Pharmacy Ave. Scarb.
- ✓ - Sir Robert L. Borden S.S. 200 Poplar Rd. West Hill
- ✓ - Brimwood Jr. P.S. 151 Brimwood Blvd. Agin
- ✓ - Henry Kelsey Sr. P.S. 1200 Huntingwood Dr. Agin
- ✓ - Sir Alexander MacKenzie Sr. P.S. 33 Heather Rd. Agin
- ✓ - Agincourt Collegiate 2621 Midland Ave. Agincourt
- ✓ - West Hill C.I. 350 Morningside Ave. West Hill
- ✓ - Sir Wilfred Laurier C.I. 145 Guildwood Parkway Scarb.
- ✓ - Albert Campbell C.I. 1550 Sandhurst Circle, Agin.
- ✓ - L'Amoureux-C.I. 2501 Bridletown Circle Agin.
- ✓ - Iroquois Jr. P.S. 265 Chartland Blvd. S. Agin.
- ✓ - Birchmount Park C.I. 3663 Danforth Scarb.
- ✓ - Alexmuir Jr. P.S. 95 Alexmuir Blvd. Agin.
- ✓ - Midland Ave. C.I. 720 Midland Ave. Scarb.
- ✓ - John A. Leslie P.S. 459 Midland Ave. Scarb.
- ✓ - Beverly Glen Jr. P.S. 85 Beverly Glen Blvd. Agin.
- ✓ - Tabor Park Vocac. School 959 Midland Ave. Scarb.

Northern College 5 samples
✓ P.O. Box 2002 3 schools
South Porcupine W.K. Newell

- Porcupine Campus
- ✓ - Haileybury Campus
- Kirkland Lake Campus

7812) -North Marysburgh Centennial Central Sc.
ist of -South Marysburgh Central School
chools -Pinecrest Memorial Elementary Sch.
-Snider Elementary School
-Sophiasburgh Central School

Date & No	School Boards/Schools	Reported
r. 22 815	<p>/ Nipissing Board of Education: 1 sample Box 3110 North Bay PIB 8H1 1 school</p> <p>/ - Franco Cite Ecole Secondaire</p>	
r. 22 816	<p>/ London Board of Education 2 samples 951 Leathorne St. London 1 school Doug Craig</p> <p>- Central S.S. 509 Waterloo St. London</p>	
r. 22 817	<p>Prince Edward Heights 1 sample / P.Box 440 Picton, Ont. KOK 2T0 1 school</p>	
r. 22 819	<p>/ Prescott & Russell County Roman 7 samples Catholic Sep.-S.B. 6 schools P.O. Box 570, L'Orignal, Ont. KOB 1K0</p> <p>- St. Victor, Alfred - St. Mathieu, Hammond - St. Joseph, Wendover - St. Anne, Ste. Anne de Prescott - St. Luc, Curron - Ste Trinite, Rockland</p>	
r. 23 826	<p>/ Kirkland Lake Roman Catholic 3 samples Sep.. School Board 3 schools P.O. Box 910, Kirkland Lake P2N 3K9</p> <p>- Sacred Heart School 63 Churchill Dr. Kirkland Lake P2N 1T8</p> <p>St. Joseph School 54 Duncan Ave. Kirkland Lake P2N 1Y1</p> <p>- Assomption School 31 Churchill Dr. Kirkland Lake</p>	
r. 23 827	<p>Maryvale 1 sample 3640 Wells, Windsor, Ont. 1 school</p>	
r. 23 828	<p>Mohawk College of Applied Arts 5 samples Fennell Ave. & West 5th 1 school Box 2034, Hamilton Ont. L8N 3T2</p>	

Date & No	School Boards/Schools	Reported
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r. 23 829	Stormont, Dundas & Glengarry / County R.C. Sep. S/B.	3 samples 2 schools
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1104 First St. East,
Cornwall, Ont. K6H 1N6 Maurice Girard

- The Alexander School
46A St. Paul St.
Alexandria Ont. K0C 1A0
- Elda Rouleau
Sandfield St. Box 759
Alexandria, Ont. K0C 1A0

r. 23 830	Peterborough-Victoria Northumberland & Newcastle R.C. Sep. School Board 459 Reid St. Peterboro, Ont. K9H 4G7	5 samples 4 schools
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- St. Anne's School
240 Bellevue St. Peterboro
- St. Pauls School, 11
1101 Hilliard St. Peterboro
- St. Peter's Elementary School
443 Reid St. Peterboro
- St. Mary's School
16 Lawrence St. Lindsay

r. 23 831	Red Lake B/E. Red Lake Mr. Gouriluk	8 samples= 1 school
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- Red Lake District H.S.

r. 23 2	/Scarboro B.E.	2 samples 2 schools
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- J.S. Woodsworth Sr. P.S.
120 Sedgemont Dr. Scarboro

- Cedarbrae C.I.
550 Markham Rd. Scarboro

r. 23	Etobicoke B/E. 1 Civic Centre Court. / Etobicoke, Ont. M9C 2B3 D.L. Dunlop	24 samples 9 schools
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- Westway H.S. 10 Dentfield St. Weston
- Elmbank Middle School, 10 Pittsboro Dr. Rexdale
- Hilltop Middle School, 35 Trehorne Dr. Weston
- Parkfield Jr. Sc. 31 Redgrave Dr. Weston
- Valleyfield Jr. Sc. 35 Saskatoon Dr. Weston
- West Humber C.I. 1675 Martin Gr. Rd. Rexdale
- Vincent Mahsey C.I. 105 Eringate Dr. Etob.
- Kipling C.I. 380 The Westway, Weston
- ~~xxxxxx~~ Etobicoke C.I. 86 Montgomery Rd. Islington

pr. 24 7836	✓ Toronto Institute of Medical Technology 222 Saint Patrick St. M5T 1V4 C.I. D'Souza	1 sample 1 school
pr. 24 7838	✓ Durham College of Applied Arts P.O.Box 385 Simcoe St. N. East Whitby Township Oshawa, Ont.	5 samples 1 school
pr. 24 7839	✓ East York Board of Education 840 Coxwell Ave. Toronto M4C 2V3	1 sample 1 school
pr. 24 7840	✓ Ottawa Board of Education Douglas A. Coxon - Gilmour Bldg. - Queen Mary Hall - Featherston - Bayview - Cambridge - Pinecrest Staff Room - McGregor Eassen - T.P. Maxwell - Christie - Queen Elizabeth Hall - Vincent Massey - D. Roy Kennedy - Severn Hall - Centennial - Putnam Stair -	15 samples 15 schools?
pr. 24	✓ Red Lake Board of Education - Red Lake P.S. - Balmertown Public School	11 samples 2 schools
	Waterloo County Board of Education Box 68, Kitchener - Breslau P.S.	3 samples 1 school
pr. 24 7843	✓ Cambrian College of Applied Arts	4 samples 1 school
pr. 24 845	✓ Toronto Board of Education ✓ Central Technical School	1 sample 1 school

Date & No	School Boards/Schools	Reported
Apr. 24 17846	<p>✓ Grey County Board of Education Box 100 Markdale Ont.</p> <ul style="list-style-type: none"> - Danview School - Crofthaven - Egremont Central - Highpoint <ul style="list-style-type: none"> - Durham Community - Hillcrest Sr. - Sydenham Central - OSCVI - JDSS - James A. Magee - GBSS - GHSS - MacPhail - Saugeen Valley - Normandy Central - Sullivan Central - Osprey Central - Clarksburg Annex - Rgerson - Keppel-Sarawak - Beaver Valley - Strathcona - Victoria - Beavercrest Annex - Hillcrest Jr. - Proton Community - Holland Chatsworth - Meaford Elementary - Alexandra 	<p>83 samples 29 schools</p>

MAY 2, 1980

APPENDIX

(See page 1405)

ANSWERS TO QUESTIONS
ON NOTICE PAPER

USE OF ASBESTOS IN SCHOOLS

130. Mr. Cassidy: Will the ministry table its calculations of the costs to school boards of dealing with hazardous asbestos, indicating the relative cost of various interim measures, such as encapsulation and enclosure, outlined in the report *Inspecting Buildings for Asbestos* (December 1979)? Will the ministry further table its calculations of the costs to school boards of complete removal of hazardous asbestos, as compared to the costs of interim measures? Will the ministry also table comparable calculations with respect to the cost to colleges and universities? (Tabled April 18, 1980.)

Hon. Miss Stephenson: To eliminate hazardous asbestos by means of encapsulation, enclosure or removal, the Ministry of Education estimates it will cost:

School boards—1980	\$ 750,000
Boards' share (average)	243,750
School boards—1981	\$5,000,000
Boards' share (average)	1,625,000
Colleges and universities—1980	\$ 500,000
Colleges and universities —1981 and beyond	3,200,000

It is anticipated that, from the above-noted estimates, 75 per cent of the funds will

be spent on interim measures (encapsulation and enclosure) and 25 per cent on permanent measures (removal).

131. Mr. Cassidy: Will the ministry table a complete list of school boards which have submitted samples of friable material thought to contain hazardous asbestos, as directed in January 1980? Will the ministry provide: (a) the number of samples submitted; (b) the number of: i. primary and, ii. secondary schools for which samples were submitted; (c) the dates on which the samples for each were submitted to the laboratory; and (d) the dates on which the analysis of samples for each school was supplied to the board? (Tabled April 18, 1980.)

See sessional paper 87.

132. Mr. Cassidy: 1. Will the ministry provide, for each of the school boards noted in the reply to question 93, tabled April 3, the date on which it received a report, or the dates on which it received multiple reports, on the results of the visual inspection for possible hazardous asbestos as directed in July 1979? (Tabled April 18, 1980.)

Hon. Miss Stephenson: We require additional time to prepare our response to the above question. The answer will be ready for tabling on or about Friday, May 9, 1980.

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APPENDIX
(See page 1512)

ANSWERS TO QUESTIONS
ON NOTICE PAPER

USE OF ASBESTOS IN SCHOOLS

132. Mr. Cassidy: 1. Will the ministry provide, for each of the school boards noted in the reply to question 93, tabled April 3,

the date on which it received a report, or the dates on which it received multiple reports, of the visual inspection for possible hazardous asbestos, as directed in July 1979? (Tabled April 18, 1980.)

Hon. Miss Stephenson:

ASBESTOS SURVEY
REPORTS SUBMITTED—Schools

Boards	Total Number of Schools	Number of Schools Reported:		Used in Plenum	Other Uses	Date Report of Visual Inspection Received
		No Asbestos	Exposed*			
Central—50 Boards						
Borden CFB	6					
Brant County	49	49	—	—	—	
Brant County RCSS	10	10	—	—	—	79 08 15
Dufferin	15	15	—	—	—	79 08 01
Dufferin Peele RCSS	56	56	—	—	—	79 08 02
Durham	91	91	—	—	—	79 08 06
Durham Region RCSS	26					79 09 19
East York	29					
Etobicoke	90					
Haldimand	22	20	—	—	2	79 08 29
Haldimand, Norfolk RCSS	13	13	—	—	—	79 08 28
Haliburton County	9	9	—	—	—	79 08 31
Halton	99					
Halton RCSS	25	24	—	—	1	79 09 04
Hamilton	103	55	12	—	36	79 09 07
Hamilton Wentworth RCSS	58					
Hastings County	57	57	—	—	—	79 09 04
Hastings Pr. Edward County RCSS	19	17	2	—	—	79 08 17
Lincoln County	77	77	—	—	—	79 09 04
Lincoln County RCSS	27	27	—	—	—	79 09 13
Metropolitan Sep.	203					
Metro Toronto	23					
Niagara Pen. Crippl. Ch. Ctr.	1					
Niagara South	100	100	—	—	—	79 09 04
Norfolk	29	29	—	—	—	79 09 07
North York	194	144	25	—	25	79 09 07
Northumberland and Newcastle	59	40	9	—	10	79 11 22
Ont. Crippl. Ch. Centre	1					
Oshawa Distr. Cer. Pals.	1	1	—	—	—	79 08 09
Peel	158					
Penetanguishene Protest. Sep.	1	1	—	—	—	79 08 17
Peterborough RCSS	48					
Peterborough, Victoria, North and Newcastle	17	12	5	—	—	79 07 27
Prince Edward County	11	10	1	—	—	79 08 22
Scarborough	153					
Simcoe County	95	41	3	—	51	79 09 17
Simcoe County RCSS	26	26	—	—	—	79 09 14
Toronto	158					79 07 30
Trenton CFB	3	2	—	—	1	79 08 21

Boards	Total Number of Schools	Number of Schools Reported:				Date Report of Visual Inspection Received
		No Asbestos	Exposed*	Used in Plenum	Other Uses	
Victoria County	24	9	10	—	5	79 09 04
Waterloo County	120	117	3	—	—	79 09 20
Waterloo County RCSS	50	49	—	—	1	79 09 04
Waterloo North Ch. Centre	1	1	—	—	—	79 08 07
Welland County RCSS	32					
Wellington County	58					
Wellington County RCSS	21	21	—	—	—	**79 08 10
Wentworth County	43	43	—	—	—	79 11 26
York Borough	35					79 11 22
York County	95	95	—	—	—	79 11 22
York Region RCSS	28	28	—	—	—	79 08 21
Region Total	2,669	1,289	70	—	132	

* Asbestos content not confirmed.
** Not complete.

Eastern—21 Boards

Carleton	68	46	6	—	15	79 09 01
Carleton RCSS	48	45	3	—	—	
Frontenac County	49	49	—	—	—	79 08 10
Frontenac, Lennox, Addington RCSS	16	16	—	—	—	80 01 14
Grattan Protest Sep.	1					
Kingston CFB	4	4	—	—	—	79 08 23
Canark County	21	18	3	—	—	79 09 18
Canark, Leeds and Grenville RCSS	15	—	15	—	—	79 09 21
Leeds and Grenville	46	45	1	—	—	79 09 24
Lennox and Addington	23	23	—	—	—	79 10 01
Ottawa	84	83	—	—	1	79 09 17
Ottawa CFB	3					
Ottawa Crippled Child Centre	1					
Ottawa RCSS	64	64	—	—	—	79 08 15
Petawawa CFB	6					
Prescott and Russell	11	8	—	—	3	79 08 22
Prescott and Russell RCSS	29	24	1	—	4	79 10 05
Perth County	37	35	1	1	—	79 08 17
Perth County RCSS	30	30	—	—	—	79 08 17
Perth, Dundas and Glengarry	56	55	1	—	—	79 09 26
Perth, Dundas and Glengarry RCSS	42					79 09 14
Region Total	654	545	31	1	23	

Midnorthern—26 Boards

Essex—Garvey Distr.	1	1	—	—	—	79 11 30
Central Algoma	10	9	1	—	—	79 08 23
Hastings	2	2	—	—	—	79 11 30
Hastings, Panet and Caverley RCSS	2	2	—	—	—	79 11 30
Kenilworth RCSS	1	1	—	—	—	79 11 30
Kenilworth	7	6	1	—	—	79 07 09
Leamington CFB	1	—	—	—	1	79 08 24
Leamington Distr.	1	1	—	—	—	
Leamington RCSS	1	1	—	—	—	79 08 17
Leamington Distr.	1	1	—	—	—	79 11 30
Leamington RCSS	1	1	—	—	—	79 09 17
Leamington	2	1	1	—	—	79 09 05
Leamington RCSS	1	1	—	—	—	79 11 30
Leamington	7	7	—	—	—	79 11 30
Leamington	2	—	—	—	2	79 09 04

Boards

Michipicoten Distr.
Millforest DSA
Missarenda DSA
North Shore
North Shore Distr.
Oba DSA
Sault Ste. Marie
Sault Ste. Marie Distr.
Sudbury
Sudbury Distr. RCSS
Sultan RCSS
Region Total

Northeastern—28 Boards

Air DSA
Bicknell DSA
Canfield DSA
Cochrane Iroquois F
Cochr. Iroquois Falls
East Parry Sound
Hearst
Hearst District RCSS
James Bay Lowlands
Kapuskasing
Kapuskasing Distr. R
Kirkland Lake
Kirkland Lake Distr.
Moose Factory Island
Moosonee Distr.
Moosonee RCSS
Murchison and Lyell
Muskoka
Nipissing
Nipissing Distr. RCSS
North Bay CFB
Pinard (hydro)
Smoky Falls DSA
Timiskaming
Timiskaming Distr. F
Timmins
Timmins Distr. RCSS
West Parry Sound
Region Total

Northwestern—35 Boards

Allanwater DSA
Armstrong DSA
Atikokan
Atikokan RCSS
Auden DSA
Caramat DSA
Connell and Ponsford
Dent DCA
Dryden
Dryden RCSS
Ferland DSA

MAY 6, 1980

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Boards	Total Number of Schools	Number of Schools Reported:			Used in Plenum	Other Uses	Date Report of Visual Inspection Received
		No Asbestos	Exposed*				
Michipicoten Distr. RCSS	4	3	1				
Millforest DSA	1	1					
Missarenda DSA	1	1					
North Shore	11	11					79 11 30
North Shore Distr. RCSS	11	11					79 11 30
Oba DSA	1	1					79 07 16
Sault Ste. Marie	44	44					
Sault Ste. Marie Distr. RCSS	28	28					79 11 30
Sudbury	69	51	18				79 07 17
Sudbury Distr. RCSS	79	79					79 07 17
Sultan RCSS	1						79 09 06
Region Total	290	263	22		1		79 11 30
Northeastern—28 Boards							
Airy DSA	1	1					
Bicknell DSA	1	1					80 02 14
Canfield DSA	1	1					80 02 14
Cochrane Iroquois Falls	10	8	2				80 02 14
Cochr. Iroquois Falls Dist. RCSS	6						79 10 16
East Parry Sound	13	13					
Hearst	3						79 10 16
Hearst District RCSS	6	6					
James Bay Lowlands	1	1					79 10 16
Kapuskasing	7	7					80 02 14
Kapuskasing Distr. RCSS	12	12					79 10 16
Kirkland Lake	8	8					79 10 16
Kirkland Lake Distr. RCSS	8	8					79 10 16
Moose Factory Island	2	2					79 10 16
Moosonee Distr.	2	2					80 02 14
Moosonee RCSS	1	1					80 02 14
Murchison and Lyell Distr. A.	1	1					80 02 14
Muskoka	22						80 02 14
Nipissing	30	30					
Nipissing Distr. RCSS	19	19					79 10 16
North Bay CFB	1	1					79 10 16
Pinard (hydro)	1	1					80 02 14
Smoky Falls DSA	1	1					80 02 14
Timiskaming	20	17	2				80 02 14
Timiskaming Distr. RCSS	7	7			1		79 10 16
Timmins	14	14					79 10 16
Timmins Distr. RCSS	18	18					79 10 16
West Parry Sound	13	13					79 10 16
Region Total	229	193	4		1		79 10 16
Northwestern—35 Boards							
Allanwater DSA	1	1					
Armstrong DSA	1						79 09 19
Atikokan	5	4	1		1		79 09 19
Atikokan RCSS	1	1					79 08 10
Auden DSA	1	1					79 08 13
Caramat DSA	1	1					79 09 17
Connell and Ponsford	1	1					79 09 17
Dent DCA	1	1					79 09 19
Dryden	1	1					
Dryden RCSS	20	4	15		1		79 10 18
Ferland DSA	2	1	1				79 10 24
	1	1					79 09 19

Boards	Total Number of Schools	Number of Schools Reported:		Used in Plenum	Other Uses	Date Report of Visual Inspection Received
		No Asbestos	Exposed*			
Fort Frances-Rainy River	18	18	—	—	—	79 07 31
Fort Frances-Rainy River RCSS		3	—	—	—	79 08 10
Geraldton	6	6	—	—	—	79 08 27
Geraldton Distr. RCSS	5	5	—	—	—	79 09 04
Ignace RCSS	1	—	1	—	—	79 09 19
Kashabowie	1	—	—	—	1	79 07 23
Kenora	13	13	—	—	—	79 09 08
Kenora Distr. RCSS	4	4	—	—	—	79 09 19
Kilkenny DSA	1	1	—	—	—	79 09 19
Lake Superior	8	8	—	—	—	79 09 22
Lakehead	57	55	2	—	—	79 09 24
Lakehead Distr. RCSS	24	23	—	—	1	79 08 20
Mine Centre DSA	1	—	—	—	1	79 08 19
Nakina DSA	1	1	—	—	—	79 09 19
Nipigon-R. Rock	5	5	—	—	—	79 08 13
North of Superior RCSS	6	5	—	—	1	79 09 05
Red Lake	5	3	—	—	2	79 09 07
Red Lake Madsen RCSS	1	1	—	—	—	79 09 19
Savant Lake DSA	1	1	—	—	—	79 10 25
Slate Falls DSA	1	1	—	—	—	79 09 19
Summer Beaver DSA	1	1	—	—	—	79 09 19
Umfreville DSA	1	1	—	—	—	79 09 19
Upsala DSA	1	1	—	—	—	79 09 19
White Otter DSA	1	—	—	—	1	70 09 19
Region Total	201	172	20	—	9	
Western—24 Boards						
Bruce	34	(survey incomplete)				79 08 13
Bruce Grey County RCSS	12	8	4	—	—	79 08 22
Elgin County	32	26	6	—	—	79 08 22
Elgin County RCSS	5	5	—	—	—	79 08 22
Essex County	37	31	6	—	—	79 08 30
Essex County RCSS	30	28	2	—	—	79 08 17
Essex County Children Rehab. Centre	1					
Grey County	37	37	—	—	—	79 08 23
Huron County	32					
Huron Perth County RCSS	19	17	2	—	—	79 08 09
Kent	41	41	—	—	—	79 08 22
Kent County RCSS	24					
Lambton County	57	(survey incomplete)				79 08 20
Lambton County RCSS	20	19	1	—	—	79 09 07
London and Middlesex RCSS	31					
London	74	58	7	3	8	79 08 29
London Distr. Crippled Children's Centre	1					
Middlesex	35					
Oxford	46	45	1	—	—	79 08 22
Oxford County RCSS	13					
Perth County	31	23	2	—	6	79 10 26
Sarnia and District						
Crippled Children's Centre	1					
Windsor	53					
Windsor RCSS	18					
Region Total	684	336	31	3	14	
Grand Total	4727	2798	178	4	183	

STO/WK/bz

Architectural Services Grants Policy Branch, April 9, 1980

DINNER FOR

134. Mr. Nixon:
for the provincial di-
politian Toronto Polic
(Tabled April 22, 19

Hon. Mr. McMurt
dinner to honour Ch
composed almost en
their spouses, who h
or personal relation
The list is as follows

Chief and Mrs. H
able Pauline and
Honourable William
Mrs. R. Roy McMurt
Emmett Cardinal
Mrs. Robert Welch,
Honourable and Mrs.
Margaret Birch, Hon
Bennett, Honourable
Honourable Bette S
gelly, Honourable a
Honourable and Mr
ourable and Mrs. G

Judge and Mrs. Pl
Monson, Mr. and M
and Mrs. John MacE
Campbell, Mr. and
and Mrs. George I
McLeod, Mrs. Mar
Scrivener, Mr. and
and Mrs. Barry Perc

Deputy Chief a
Deputy Chief and
Chief and Mrs. Jan
(ret.) and Mrs. An
Chief (ret.) and

Deputy Chief (ret.)
Judge and Mrs. Gart
Dennis Flynn, Mr.

Judge and Mrs. Tom
Mr. and Mrs. Si
Mrs. W. T. McGre
Shoniker, Commissi
Graham, Assistant
Murray Sexsmith, M
Mr. and Mrs. John
stein and David Rai
Griffith, Mr. and M
Mrs. Larry Needle
Bick.

Chief W. J. Shrub
Cook, Chief and M
Mrs. Gordon Torran
Welsh, Chief and M
and Mrs. J. Jenkin
Donald Morand, Ju
Judge and Mrs. K.
Mr. and Mrs. S.
W. Johnston, Mr.

Appendix 3

Sampling of Written Questions
Concerning Asbestos
Asked of Government Ministers

by

Members of Ontario New Democratic Party Caucus

November, 1979

to

December, 1980

Nov. 8, 1979

4330

LEGISLATURE OF ONTARIO

ASBESTOS IN SCHOOLS

329. Mr. Ziemba: Will the minister list all schools with asbestos fireproofing indicating the condition of the asbestos? (Tabled October 26, 1979.)

Hon. Miss Stephenson: I presume that the question refers to the survey presently being conducted by the Ministries of Education and Colleges and Universities regarding the presence of possible hazardous asbestos products in schools.

The information that we have received to date does not confirm conclusively the presence of hazardous asbestos fireproofing materials. Where some form of sprayed ma-

terial that may or may not contain asbestos fibre has been used, it is our intention to have this material sampled and analysed. The procedures for this are now completed and will be issued to school boards, colleges and universities.

Because of the tremendous variety of materials used and the methods of installation, the present uncertainty regarding the content of the materials, and the difficulty in determining the actual condition in each individual case, it is impractical to list each school with a description of the material. However, I will report periodically to the House on the progress of this program.

APRIL 17, 1980

APRIL 17, 1980

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playable or disabled, it would be appropriate to proceed with a reapplication.

C. Preparation of submission (all cases)

The worker will prepare a file including:

1. Forms 1, 3 and all other usual supplementary forms;
2. A narrative outlining all key factors relevant to the situation, as described above;
3. All reports and letters obtained from external sources, as suggested above;
4. A recommendation as to the period of time to be covered by the order in council. (In most cases, the order in council should be time-limited in order to allow a complete review of the situation.)

Once completed, this package will be submitted to the supervisor who will review it, set the rate to be recommended and forward it to the area manager for a final recommendation. It will then be sent to the income maintenance branch for proceeding.

D. Procedures after grant

Unless otherwise specified, regular increases due to child age changes, legislative changes, rate changes, et cetera, will apply. Benefits such as drug card, OHIP, vision care, repairs, et cetera, will also be available and approved in the usual manner.

Recipients will be expected to report any changes in circumstances and an annual present condition report will be required as in all other cases. The present condition report will be done in the home and include verification of the circumstances which justified the order in council in the first place.

In cases where an order in council is time-limited, the recipient will be notified in writing three months in advance of the impending termination of his eligibility. The letter of intent and final letter will be sent at the appropriate time.

If it appears advisable to renew the order in council, a new report, properly documented, must be submitted.

4.0 Cross reference

Handicapped child(ren)'s benefits.

Special circumstances—order in council.

USE OF ASBESTOS IN SCHOOLS

89. Mr. Cassidy: Will the ministry, for each school board in Ontario, list what action, if any, taken by the ministry between July 31, 1979, and January 25, 1980, to follow up the July directive from the Ministry of Education on the presence of asbestos in schools? (Tabled April 3, 1980.)

Hon. Miss Stephenson: Action taken by the Ministry of Education through the regional offices has been to remind school boards of the requirements of the July

directive that visual inspection of all schools be carried out and a report submitted to the ministry regarding those schools which appeared to have an asbestos-like product.

Many school boards have yet to report and the ministry is now taking steps to encourage this survey to be completed as soon as possible.

The information that we have at hand to date is that approximately 170 educational buildings (schools, colleges and universities) have a material that will require testing and analysis.

91. Mr. Cassidy: Will the ministry table all replies to the Ministry of Education July directive about the presence of asbestos in Ontario schools? (Tabled April 3, 1980.)

Hon. Miss Stephenson: The replies to the Ministry of Education July directive indicate the results of the visual inspection. They do not necessarily indicate the presence of asbestos. The visual inspection merely determines whether or not a school has, by visual inspection, some material used in its construction that might contain asbestos fibres.

The January 1980 guideline describes fully how the testing and analysis can be determined and it is only after all samples have been analysed that the ministry will be able to determine precisely what schools have hazardous asbestos products in them. When this information is available it will be tabled.

92. Mr. Cassidy: Will the ministry outline its policy for notifying the public about the possibility of friable asbestos in specific schools? Secondly, when can the House expect to be informed as to what schools in Ontario may contain friable asbestos? (Tabled April 3, 1980.)

Hon. Miss Stephenson: As indicated in the reply to question 91, when all boards have completed the visual inspection and laboratory test results are available on any suspected material, the list of schools containing hazardous asbestos products will be tabled in the Legislature and this will be done as soon as possible.

93. Mr. Cassidy: Will the ministry table for each school board in Ontario the dates on which it received the reply to the directive sent by the Ministry of Education in July 1979 regarding the presence of asbestos in schools? (Tabled April 3, 1980.)

Hon. Miss Stephenson: As of April 14, 1980, the ministry has received a report on the results of the visual inspection for possible hazardous asbestos from the following school boards:

Northwestern boards

Allanwater DSA
 Atikokan
 Atikokan RCSS
 Auden DSA
 Caramat DSA
 Connell and Ponsford
 Dent DSA
 Dryden
 Dryden RCSS
 Ferland DSA
 Fort Frances-Rainy River
 Fort Frances-Rainy River RCSS
 Geraldton
 Geraldton District RCSS
 Kenora
 Kenora District RCSS
 Kilkenny DSA
 Lake Superior
 Lakehead
 Lakehead District RCSS
 Nakina DSA
 Nipigon-Red Rock
 North Superior RCSS
 Red Lake
 Red Lake Madsen RCSS
 Savant Lake DSA
 Slate Falls DSA
 Summer Beaver DSA
 Northwestern boards
 Umfreville DSA
 Upsala DSA

Western boards

Bruce Grey County RCSS
 Elgin County
 Elgin County RCSS
 Essex County
 Essex County RCSS
 Grey County
 Huron Perth County RCSS
 Kent
 Lambton County RCSS
 London
 Oxford
 Perth County

Midnorthern boards

Asquith-Carvey District
 Central Algoma
 Chapleau
 Chapleau, Panet and Caverley RCSS
 Dubreilville RCSS
 Espanola
 Foleyet District
 Foleyet RCSS
 Gogama District
 Hornepayne
 Hornepayne RCSS
 Manitoulin
 Michipicoten District RCSS
 Millforest DSA

Missarenda DSA

North Shore
 North Shore District RCSS
 Oba DSA
 Sault Ste. Marie
 Sault Ste. Marie District RCSS
 Sudbury
 Sudbury District RCSS

Northeastern boards

Airy DSA
 Bicknell DSA
 Canfield DSA
 Cochrane Iroquois Falls
 East Parry Sound
 Hearst District RCSS
 James Bay Lowlands
 Kapuskasing
 Kapuskasing District RCSS
 Kirkland Lake
 Kirkland Lake District RCSS
 Moose Factory Island
 Moosonee District
 Moosonee RCSS
 Murchison and Lyell District A
 Nipissing
 Nipissing District RCSS
 North Bay CFB
 Pinard (hydro)
 Smoky Falls DSA
 Timiskaming
 Timiskaming District RCSS
 Timmins
 Timmins District RCSS
 West Parry Sound

Central boards

Brant County
 Brant County RCSS
 Dufferin
 Dufferin Peel RCSS
 Durham
 Haldimand
 Haldimand, Norfolk RCSS
 Haliburton County
 Halton RCSS
 Hamilton
 Hastings County RCSS
 Hastings Prince Edward County
 Lincoln County
 Lincoln County RCSS
 Niagara South
 Norfolk
 North York
 Northumberland and Newcastle
 Oshawa District Cer. Pals.
 Penetanguishene Protestant Separate
 Peterboro, Victoria, North and Newcastle
 Prince Edward County
 Simcoe County
 Simcoe County RCSS
 Trenton CFB

Victoria County
 Waterloo County
 Waterloo County RCSS
 Waterloo North Ch. Centre
 Wellington County RCSS
 Wentworth County
 York County
 York Region RCSS
 Eastern boards
 Carleton
 Carleton RCSS
 Frontenac County
 Frontenac, Lennox, Addington RCSS
 Kingston CFB
 Lanark County
 Leeds and Grenville
 Lennox and Addington
 Ottawa
 Ottawa RCSS
 Prescott and Russell
 Prescott and Russell RCSS
 Renfrew County
 Renfrew County RCSS
 Stormont, Dundas and Glengarry RCSS

HERBICIDE SPRAYING PERMITS

94. Ms. Gigantes: Will the Minister of the Environment table notice of each application received by his ministry for spraying 2,4,5-T in Ontario, and will he indicate in connection with each information the area proposed for spraying, the reason for each site selection and the conditions which would govern the proposed spraying? (Tabled April 3, 1980.)

Hon. Mr. Parrott: As announced in a statement made by the Minister of the Environment in the Legislature on April 15, 1980, no permits will be issued for the spraying of the herbicide 2,4,5-T.

INTERIM RESPONSES

81. Mr. Mackenzie: Would the Minister of Labour please indicate how many employees of Johns-Manville, with asbestosis and/or a disability pension from the WCB, were ruled to have died due to a heart attack or some other cause and whose spouse were then denied a pension due to the reported cause of death? (Tabled April 3, 1980.)

82. Mr. Mackenzie: Would the Minister of Labour please indicate how many employees of the Johns-Manville plant have died of lung or stomach cancer, of mesothelioma or other asbestos related conditions since 1966? (Tabled April 3, 1980.)

83. Mr. Mackenzie: Would the Minister of Labour please indicate how many employees of Johns-Manville have been inter-

viewed for the special rehabilitation program, as a result of asbestos inhalation and were: 1. found not to qualify; 2. refused to accept the program; 3. approved for rehabilitation? (Tabled April 3, 1980.)

84. Mr. Mackenzie: Would the Minister of Labour please indicate of those Johns-Manville employees approved for rehabilitation: 1. how many are in retraining; 2. how many are waiting for rehabilitation, and for what periods of time? (Tabled April 3, 1980.)

85. Mr. Mackenzie: Would the Minister of Labour please indicate how many employees of Johns-Manville are working a regular shift at the plant while also drawing a disability pension, and what are the individual percentages of the pensions? (Tabled April 3, 1980.)

86. Mr. Mackenzie: Would the Minister of Labour please indicate how many employees of Johns-Manville are experiencing asbestos-fibre dust effects but do not yet qualify for a partial pension? (Tabled April 3, 1980.)

87. Mr. Mackenzie: Would the Minister of Labour please indicate how many employees of Johns-Manville approved for a partial pension over the last 10 years have subsequently had that pension increased? (Tabled April 3, 1980.)

88. Mr. Mackenzie: Would the Minister of Labour please indicate how many claims have been established with the Workmen's Compensation Board for asbestos-associated disabilities and/or deaths in Ontario since 1960. Will the minister provide a separate total for each type of asbestos-related disease and a separate total for each type of disease by company? Will the minister also provide the above information for rejected claims? (Tabled April 3, 1980.)

Hon. Mr. Elgie: Additional time is required to assemble information to respond to these questions. Responses should be tabled by April 24, 1980, approximately.

90. Mr. Cassidy: Will the ministry fully outline its policy for financially assisting local school boards deal with hazardous asbestos? Specifically are there any additional funds above the normal general legislative grants available and in what circumstances will the ministry be providing 100 per cent funding for dealing with asbestos hazards? (Tabled April 3, 1980.)

Hon. Miss Stephenson: We require additional time to prepare our response to the above question. The answer will be ready for tabling on or about Wednesday, April 30, 1980.

APPENDIX
(See page 1010)

ANSWERS TO QUESTION
ON NOTICE PAPER

FEDERAL HEALTH-CARE FUNDING

45. Mr. Braugh: Would the Ministry of Health indicate what funds the ministry has received for health-care services from the federal government through the Established Programs Financing Act and other programs yearly since 1977? What have been the amounts and sources of the additional revenues used for health care in Ontario? (Tabled March 24, 1980.)

Hon. Mr. Timbrell: Since revenue from the established programs financing legislation is accounted for by the Ministry of Treasury and Economics, this question could be addressed to them.

JOHNS-MANVILLE EMPLOYEES

81. Mr. Mackenzie: Would the Minister of Labour (Mr. Elgie) please indicate how many employees of Johns-Manville, with asbestosis and/or a disability pension from the WCB, were ruled to have died due to a heart attack or some other cause and whose estates were then denied a pension due to the reported cause of death? (Tabled April 3, 1980.)

Hon. Mr. Elgie: Nine.

82. Mr. Mackenzie: Would the Minister of Labour please indicate how many employees of the Johns-Manville plant have died of lung or stomach cancer, of mesothelioma or other asbestos related conditions since 1966? (Tabled April 3, 1980.)

Hon. Mr. Elgie: Lung cancer, 19; mesothelioma, 11; gastrointestinal cancer, 3; asbestos-related conditions, 6; total, 39.

83. Mr. Mackenzie: Would the Minister of Labour please indicate how many employees of Johns-Manville have been interviewed for the special rehabilitation program as a result of asbestos dust inhalation and were found not to qualify; (2) refused to accept the program; (3) were approved for rehabilitation? (Tabled April 3, 1980.)

Hon. Mr. Elgie: Eighty employees were interviewed. Of these, 48 did not qualify as they were not employed in a hazardous area of the plant. In any event, 22 of those not interviewed refused the program. Of the 32 who were interviewed for the special rehabilitation program, 14 refused. Eighteen employees were accepted into the special program.

84. Mr. Mackenzie: Would the Minister of Labour please indicate of those Johns-Manville employees approved for rehabilitation: (1) how many are in retraining; (2) how many are waiting for rehabilitation, and for what periods of time? (Tabled April 3, 1980.)

Hon. Mr. Elgie: (1) Ten employees were given retraining; eight were transferred to different employment; all 18 are with new employers. (2) No one is waiting or has had to wait for rehabilitation.

85. Mr. Mackenzie: Would the Minister of Labour please indicate how many employees of Johns-Manville are working a regular shift at the plant while also drawing a disability pension, and what are the individual percentages of the pensions? (Tabled April 3, 1980.)

Hon. Mr. Elgie: (1) Nineteen. (2) Breakdown of the 19 pensions: 10 at 10 per cent disability, seven at 20 per cent disability, one at 30 per cent disability, one at 40 per cent disability.

86. Mr. Mackenzie: Would the Minister of Labour please indicate how many employees of Johns-Manville are experiencing asbestos fibre dust effects but do not yet qualify for a partial pension? (Tabled April 3, 1980.)

Hon. Mr. Elgie: Forty-four employees of Johns-Manville have been identified as showing asbestos fibre dust effects. Asbestos fibre dust effects cases do not qualify for a pension.

87. Mr. Mackenzie: Would the Minister of Labour please indicate how many employees of Johns-Manville approved for a partial pension over the last 10 years have subsequently had that pension increased? (Tabled April 3, 1980.)

Hon. Mr. Elgie: Thirty-five employees of Johns-Manville received a partial pension for asbestosis, silico-asbestosis and/or mesothelioma during the period 1970 to 1979 inclusive and subsequently had that pension increased.

88. Mr. Mackenzie: Would the Minister of Labour please indicate how many claims have been established with the Workmen's Compensation Board for asbestos-associated disabilities and/or deaths in Ontario since 1960? Will the minister provide a separate total for each type of asbestos related disease and a separate total for each type of disease

by company? Will the minister also provide the above information for rejected claims. Tabled April 3, 1980.)

Hon. Mr. Elgie: (1) Asbestosis, 216; lung cancer, 46; mesothelioma, 35; gastrointestinal cancer, 7; laryngeal cancer, 3. The above figures cannot be added to indicate the total number of claims as there are several as-

bestos claims which would also show lung cancer or mesothelioma.

(2) See table below. The total number of claims could well include cases noted in the answer to (1) in which the diagnosis is lung cancer.

(3) The above information on rejected claims is not available.

ALLOWED CLAIMS FOR ASBESTOSIS, SILICO-ASBESTOSIS AND MESOTHELIOMA, 1960-1979

Employer	No. of claims	Number of claims		
		Asbestosis only	Mesothelioma only	Both
Johns-Manville Canada Inc.	116	104	5	7
Raybestos-Manhattan (Canada) Ltd.	9	9		
Holmes Insulation Ltd.	9	8		1
Applied Insulation Co. Ltd.	4	4		
Atomic Energy of Canada Ltd.	4	3	1	
White & Greer Co. Ltd.	3	3		
Department of Public Works	2	2		
Dewar Insulation Inc.	2	2		
Lakehead Insulation & Plastic Co.	2	2		
A.C. & S. Contracting	2	2		
Atlas Asbestos Co. Ltd.	2	2		
Spruce Falls Power & Paper Ltd.	2	2		
Imperial Oil Ltd.	2	0	2	
Canadian Asbestos Co.	1	1		
Foster Wheeler Co. Ltd.	1	1		
Hiram Walker & Sons	1	1		
remco Mechanical Insulation	1	1		
University of Toronto	1	0		1
Consolidated Plant Maintenance Co.	1	1		
Schreiber Brothers Ltd.	1	1		
Armstrong Contracting Co.	1	0	1	
Toronto, Hamilton and Buffalo Railway Co.	1	1		
Black & McDonald	1	0		1
Federal Insulation Ltd.	1	1		
Bryant Insulation	1	0	1	
Schaefer Townsend Ltd.	1	1		
Asbestos Covering Co. Ltd.	1	1		
Terminal Insulation Ltd.	1	1		
Master Insulation Co. Ltd.	1	1		
Preston Mines Ltd.	1	1		
Ontario Insulation (Oshawa) Ltd.	1	1		
Ontario Hydro	1	1		
Nor. Ont. of Canada Ltd.,				
Department of Public Works,				
Provincial Government	1	0	1	
Kimberly-Clark of Canada Ltd.	1	1		
Commercial Industrial Insulation Ltd.	1	1		
Cem-Al Spray Ltd.	1	1		
Multiple Employers				
(Plumbing & Pipefitting)	1	0	1	
Dominion Foundries & Steel Ltd.	1	1		

Employer	No. of claims	Number of claims		Both
		Asbestosis only	Mesothelioma only	
Superior Insulation	1	1		
Port Arthur Shipbuilding Co.	1	1		
Texaco Ltd.	1	1		
Avro Aircraft	1	0	1	
Cassidy Catering Co.	1	0	1	
C.B. Eddy Forest Products Ltd.	1	1		
Cyanamid of Canada	1	1		
Hamilton Porcelains Ltd.	1	0	1	
Collingwood Shipyards Ltd.	1	1		
Lewis Insulation Ltd.	1	1		
M. A. Smith & Co. Ltd. (Nasco Div.)	1	0	1	
C. H. Hilderbrandt Insulation Ltd.	1	1		
Hamilton Match Plate	1	1		
Abcock & Wilcox Canada Ltd.	1	1		
Wakehead Psych. Hospital	1	1		
Canadian Pittsburgh Industries	1	1		
Ford Motor of Canada Ltd.	1	1		
Board of Education for Borough of York	1	0	1	
Howles Industrial Insulation	1	1		
Alpine Insulation Ltd.	1	1		
Land Insulation Ltd.	1	1		
A.A.C. Insulation Ltd.	1	1		
C.I.L.	1	1		
Russell Bros.	1	0	1	
Ontario Marble Co. Ltd.	1	1		
City of Ottawa	1	0	1	
Esso Canada	1	0	1	
Texaco Canada Inc.	1	0	1	
Government of Canada (Labour Division)	1	0	1	
North York Board of Education	1	0	1	
Vincent Cutler Ins.	1	1		
Board of Education Borough of Scarborough	1	0	1	
Total	216	182	24	10

TRANSFER OF DOCUMENTS

108. Mr. Renwick: Will the Solicitor General (Mr. McMurtry) table in the assembly all documents turned over to the Ontario Provincial Police from the Quebec police Commission investigation of political contributions by distilleries and wineries? Tabled April 9, 1980.)

Hon. Mr. McMurtry: The honourable member will appreciate that the documents that are requested are documents having their origin beyond this province which would not normally be available to the Ontario Provincial Police. If the confidence of police forces in each other is to be maintained, documents made available between police forces to assist in investigations must necessarily be maintained in a confidential

manner. The result of a failure to maintain such confidentiality would obviously result in a drying up of such exchanges.

In this particular instance the documents were seized from corporate files in Quebec under power of a search warrant granted for the purpose of facilitating a police investigation in that province. While the documents are physically retained by the police, technically they are under the control of the Justice who issued the warrant. Moreover they are copies of private corporate records which are not generally available to the public.

A thorough investigation by the OPP revealed that no charges were warranted against anyone in Ontario in connection with this matter. It would accordingly be unfortunate if the public or members of this



Ministry
of
Labour

400 University Avenue
Toronto, Ontario
M7A 1T7

April 30, 1980

RESPONSE TO ORDER PAPER QUESTION 131

131. *Mr. Cassidy*—Enquiry of the Ministry—Will the Ministry table a complete list of school boards which have submitted samples of friable material thought to contain hazardous asbestos, as directed in January 1980. Will the Ministry provide: (a) the number of samples submitted; (b) the number of: i. primary and, ii. secondary schools for which samples were submitted; (c) the dates on which the samples for each were submitted to the laboratory; and (d) the dates on which the analysis of samples for each school was supplied to the board. *Tabled April 18th, 1980.*

In the accompanying table the left hand column indicates the date the sample was received at the Occupational Health Laboratory at 360 Christie Street, Toronto, and the date in the right hand column indicates the date upon which the report on the analysis of the sample was prepared and mailed to the submitter of the sample. The information in this table is complete to the end of the week ending April 25, 1980.

Robert G. Elgie, M.D.
Minister of Labour

Date & No	School Boards/Schools	Reported
Jan. 18 17568	City of Toronto Dept. of Health, Dr. Moss Western Secondary School, Lanadowne 2 samples 1 school	Mar. 8/80 7.
Jan. 25 17574	Niagara South B/E 250 Thorold Rd. W. 1 sample 1 school	Mar. 11 7
Feb. 21 17603	Waterloo County B/E Kitchener - Mr. Foell 7 samples 6 schools -Floradale P.S. Elmira -Bluevale C.I. Waterloo -Waterloo Oxford District PS, Baden -Guiding Light PS Elmira -Grand River C.I. Kitchener -Central P.S. Cambridge	Feb. 29
Feb. 22 17606	Huron Perth Separate S/B Dublin, Ont. Wm. Echert 9 samples 3 schools -Our Lady of Mount Carmel -St. Columban School, Dublin -St. Boniface School, Zurich	Mar. 5
Feb. 25 17611	Harbord C.I. submitted by CHSB 2 samples 1 school	Feb. 26
Feb. 27 17613	Halton Board of Education Oakville D.M. Jack 1 sample 1 school -Gordon E. Purdue H.S.	Mar. 6
Feb. 29 17616	Scarboro Board of Education T. Lennard 1 sample 1 School -David & Mary Thompson	Mar. 6
	Ottawa Separate School Board Ottawa, W.H. Lord 3 samples 2 schools -St. Raymond Jr. H.S. Ottawa -Baribeau, Vanier City	Mar. 7

Date & No	School Boards/Schools	Reported
Mar. 59 17626	Scarboro Board of Education T.A. Lennard 3 samples 2 schools -Cedarbrae C.I., Markham Rd. Scarboro -West Hill C.I., Morningside Ave. West Hill	Mar. 18 .7
Mar. 6 17631	Loyalist College Belleville, D.R. Fraser 3 samples 1 school - Kent Bldg.	Mar. 18 1.5
Mar. 10 17634	Scarboro Board of Education Mr. T.A. Lennard 9 samples 7 schools -W.A.Porter C.I. 40 Fairfax Cresc.Scar. -Birchmont Park C.I. 3663 Danforth Ave. -Winston Churchill C.I. 2239 Lawrence E. -Stephen Leacock C.I. 2450 Birchmont Aginc -Sir Oliver Mowat, 5400 Lawr.E. West Hill -Sir Wilfred Laurier, 145 Guildwood Pkw -Agincourt C.I. 2621 Midland Ave. Scarb.	Mar. 24 2.0
Mar. 12 17638	Hastings County B.E. , Belleville, L.L. Decaire 1 sample 1 school -Quinte S.S.	Mar. 18 0.6
Mar. 12 39	Windsor B/E Ms. M. Otton 1 sample 1 school -Hands S.S.	Mar. 24 1.5
?	Ontario Board of Education 40 Millwood Rd. W.D. Connery Submitted by Health Unit -Davisville P.S. 1 sample 1 school	Mar. 25 ?
Mar 17	Halton B/E. D.M Jack 1 sample 1 school -General Wolfe H.S.	Mar. 25 1.1
Mar. 17 46	Scarboro B/E Divic Centre T. Lennard 1 sample	Mar. 25 1.1

Date & No	School Boards/Schools	Reported
Mar. 21 17654	Toronto B.E 155 College St. R.T. Orlando 37 samples 14 schools -Dewson St. P.S. 65 Concord Ave. -Parkdale P.S. 46 West Lodge Ave. -Lord Lansdowne P.S. 33 Robert St. -Morse St. P.S. 180 Carlaw Ave. -Castle Frank H.S. 711 Bloor St. E. -Parkview Secondary S. 1 Danforth Ave. -Clinton St. P.S. 460 Manning Ave. -Indian Rd. Cresc.P.S. 285 Indian Rd.Cre -Whitney P.S. 119 Rosedale Heights Dr. -Davisville P.S. 43 Millwood Rd. -Winona P.S. 101 Winona Dr. -Parkdale C.I. 209 Jameson Ave. -King Edward P.S. 112 Lippincott St. -Jarvis Coll. 495 Jarvis St.	Apr. 3
Mar. 24 17658	Kent Co. Roman Catholic Sep.S/B. 2 samples Chatham H.W. Farquhar 2 schools -St. Elizabeth School -St. Michaels School	Apr. 9
Mar. 24 17661	Ontario Bible College 1 sample 25 Ballyconnor court Willowdale 1 school A.E.Davidson	Apr. 9
Mar. 25 17664	Halton Separate S/B 1 sample P.O. Box 308 1 school Burlington John Birrett -St. Patrick School, Burlington	Apr. 15
Mar. 25 17665	Haldimand B/E. 10 samples Box 2000, Cayuga Ont. H.L. Nasby 2 schools -Dunnville S.S. 110 Helena Dunnville -Hagersville S.S., Parkview Rd. Hagersville	Apr. 11
Mar. 26 17665	Harbord Collegiate E. Ziemba M.P.P. 1 school (sample withdrawn Mar. 28th)	April 1

Date & No	School Boards/Schools	Reported
Mar. 27 7675	Bruce-Grey County R.C. S/B. 9 samples Box 187, Hanover Ont. 34 schools Mr. G. Kittel -J.M. McGill Admin Centre RR4 Hanover -Mary Immaculate Sc. Chepstow -Sacred Heart School, Mildmay Ont. -Sacred Heart School, Walkerton, Ont.	Apr. 11 2
Mar. 28 7678	North Education Centre 39 samples No. 8 Third Side Rd. 16 schools Milton - A.H. Burrill -J. Gibbons P.S. -Georgetown District H.S. -Sunshine School -Campbellville P.S. -J.M. Denyes P.S. -H. Wigglesworth P.S. -Limehouse P.S. -Park P.S. -Brockville P.S. -Pineview P.S. -R. Little P.S. -G. Kennedy P.S. -Martin Street Jr. School -Milton District H.S. -Stewarttown Sr. P.S. -North Education Centre	Apr 15 2.4
Mar. 28	Carleton Board of Education 3 samples 133 Greenbank Rd. 2 schools Nipean Ont. -City View P.S. -Richmond P.S.	Apr. 15 2.4

Date & No	School Boards/Schools	Reported
Mar. 28 7680	Toronto Board of Education 3 samples 155 College St. R.T. Orlando 1 school -Harbord Collegiate	Mar. 31 0.3
Mar. 28 7683	North York ; B/E 25 samples 5050 Yonge St. Willowdale 18 schools -Gateway P.S. -Pineway P.S. -Zion Jr. H.S. -Etienne Brule -G.S. Henry -Firgrove P.S. -Hillmount P.S. -Bayview Jr. H.S. -R.J. Lang Jr. H.S. -Northview Heights -L.S. Beattie S.S. -Admin. Offices, 5050 Yonge -Pierre Laporte Jr. H.S. -G.B. Warren Jr. H.S. -Emery C.I. -C.W. Jeffreys S.S. -Nelson A. Boylen S.S. -Downsview S.S.	Apr. 18 3.0
. 31 85	Geraldton District R.C. Sep. SB 2 samples Mr. Georges Groulx 2 schools -St. Joseph School -Our Lady of Fatima	Apr. 21 3.1

Date & No	School Boards/Schools	Reported
Mar. 31 17686	Middlesex Co. Board of Education 5 samples Hyde Park Ont. 5 schools - Prince Andrew P.S. Hyde Park - East William Mem. Sc. - Lord Dorchester S.S. - Lucan P.S. - McEachern P.S.	Apr. 22 3.
Mar. 31 17687	North Education Centre 1 samples Milton A.H. Burrell 1 school - Harrison P.S.	Apr. 17 2.4
Mar. 31 17688	Oxford County Board of Education 2 samp. 94 Graham St. Woodstock 2 schools James Bechard - Woodstock C.I. - Ingersoll District C.I. Ingersoll	Apr. 16 2.3
Mar. 31 17689	Waterloo Co. Separate S/B 12 samples 91 Moore Ave. Kitchener 11 schools D.C. Hawold - St. Michael, Cambridge - St. Teresa, Kitchener - St. Boniface, Kitchener - St. Joseph, Kitchener - St. Francis, Kitchener - Sacred Heart - St. Anne, Kitchener - St. Bernadette - St. Francis, Cambridge St. Thomas St. Davids	Apr. 17 2.4

Date & No	School Boards/Schools	Reported
Mar. 31 17694	Scarboro Board of Education 2 samples T.A. Lennard 2 schools - Sir John A- MacDonald C.I. 2300 Pharmacy Agincourt - Highbrook Sr. P.S. 39 Highbrooke Ave. Scarboro	Apr. 17 2.4
Apr. 1 17695	Carleton Roman Catholic Sep.S/B. 2 samples 1695 Miracle Rd. P.H. Chartrand 2 schools - Frank Ryan - St. John the Apostle	Apr. 17 2.3
Apr. 1 7698	London Board of Education 5 samples 951 Leathorne St. London 5 schools - J.P. Robarts P.S. - Byron Southwood P.S. - Lorne Ave. P.S. - Lord Nelson P.S. - Oakridge S.S.	Apr. 17 2.2
Apr. 2 7699	Carleton Roman Catholic Sep. S.B. 1 sample Orleans, Ont. R. Philippe 1 school - St. Gabriel School	Apr. 17 2.1
Apr. 2 700	Espanola High School 5 samples Espanola 1 school	Apr. 22 3
?	Mohawk College Hamilton 1 sample - Fennel Campus 1 school (from S. Kirk OHS)	Apr. 22 ?
Apr. 2 702	West Parry Sound Board of Education 7 samples Parry Sound D.G. Cuttance 1 school - Parry Sound H.S.	Apr. 22 1.3

Date & No	School Boards/Schools	Reported
Apr. 2 17704	Huron County Board of Education 1 sample (Dr. Elgie) Murray Gaunt MPP (Chris Waddell)	Apr. 10
Apr. 3 17705	Renfrew County Board of Education 1 sample Renfrew Ted Halpenny 1 school - Renfrew Collegiate	Apr. 22
Apr. 3 17706	Essex Co. Roman Catholic Sep.S.B. 4 samples Essex - J. L. Van Alphen 3 schools - St. Jean Baptiste, Belle River - St. Pius X School, Tecumseh - Queen of Peace School, Leamington	Apr. 22
Apr. 3 7707	Toronto Board of Education 2 samples 155 College R.T. Orlando 1 school - Oakwood Collegiate	Apr. 22
Apr. 3 7711	Earnest C. Drury School for the 1 sample Deaf, Hwy. 25, Milton 1 school <i>from R. Pae OAB</i>	Apr. 8
Apr. 3 7712	Scarboro Board of Education 3 samples T.A. Lennard 2 school - North Bridlewood P.S. 50 Collingsbrook Blvd. Agincourt - Stephen Leacock Collgiate 2450 Birchmount Agincourt	Apr. 22

Date & No	School Boards/Schools	Reported
Apr. 3 17713	Etobicoke B.E. 9 samples 1 Civic Centre, D.L. Dunlop 7 schools - Kingsmill S.S. 721 Royal York Rd. - Silverthorne C.I. 291 Mill Rd. - West Humber C.I. 1675 Martingrove Rd. - Albion Heights Jr. S. 45 Lynmount Dr. - John D. Parker Jr. S. 202 Mount Olive - Melody Village Jr. S. 520 Silverstone - Smithfield Middle S. 175 Mount Olive Dr.	Apr. 22
Apr. 8 17716	West Parry Sound Board of Education 8 samp Parry Sound D.G. Cuttance 6 sch. - Victory School - Britt School - Isabella School - McDougall Sc. - Whitestone Lake - Parry Sound H.S.	Apr. 21
Apr. 8 17718	Northumberland & Newcastle Board of Ed. Cobourg, Ont. G.M. Holmes 2 samples - Bowmanville H.S. 1 school	Apr. 23
Apr. 8 17719	Borough of York Board of Education 10 samp 2 Trethewey Dr. Elgin Hirst 10 sch. - Humewood Jr. P.S. - Harwood Jr. P.S. - Arlington Sr. P.S. - Roseland Jr. P.S. - George Syme Jr. P.S. - Education Admin Bldg. - C.R. Marchant Sr. P.S. - Runnymede C.I. - Weston C.I. - Vaughan Road CI	Apr. 24

Date & No	School Boards/Schools	Reported
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Apr. 8 7720	Centennial College . Scarboro, Lynda Summerville	1 sample 1 school
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Apr. 23

Apr. 8 7721	Scarboro Board of Education T.A. Lennard - Wendell Statton Sr. P.S. - Midland Ave. C.I. - Stephen Leacock C.I. - Jack Miner Sr. P.S. - Charlottetown Jr. P.S. - Military Trail P.S. - R.H. King C.I. - Sir Robert Borden S.S. - Donwood Park Jr. P.S. - W.A. Porter C.I. - Oakridge Jr. P.S. - Corvette Jr. P.S. - Mason Rd. P.S. - Wm. G. Davis Jr. P.S. - Glen Ravine Jr. P.S. - G.B. Little Jr. P.S. - Bendale Secondary Sc. - David & Mary Thomson CI - Pauline Johnson Jr. P.S. - Henry Hudson Sr. P.S. - Sir Oliver Mowat CI - Albert Campbell C.I. - Sir Wilfred Laurier C.I.	37 samples 23 schools
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Apr. 24

Peterboro County Board of Ed.	8 samples
Peterboro Mr. F. Somoskoi	2 schools
- Kenner Coll. & Voc. Inst., Peterboro	
- Thomas A. Stewart S.S. Peterboro	

Apr. 28

Date & No School Boards/Schools Reported

pr. 9
7725 The Frontenac County B.E. 7 samples
Kingston A.F. Meurling 4 schools
- Bayridge S.S. Kingston
- J.E. Horton P.S. Barriefield
- Frontenac P.S. Kingston
- Winston Churchill P.S. Kingston

Apr. 27

r. 10
726 The Temiskaming Board of Edcc. 26 samples
New Liskeard J.A. Wilson 14 schools
- Haileybury H.S.
- Hailebury P.S.
- Temagami P.S.
- New Liskeard P.S.
- Cobalt P.S.
- Kerns P.S.
- New Liskeard Secondary School
- Cobalt High School
- Dymond H.S.
- Englehart Public School
- Charlton P.S.
- Savard P.S.
- Englehart High School
- Gowganda Public School

Halton Board of Education 1 sample
Oakville D.M. Jack 1 school
- Maple Grove Public School

Apr. 28

Bruce County Board of Education 3 samples
Chesley, Ont. Mel Wedow 1 school
- Saugeen District Sec. S. Port Elgin

Apr. 23

Date & No	School Boards/Schools		Reported
Apr. 10 17729	Carleton Board of Education Nipean R.S. Wells - A.Y. Jackson - Bell High School	3 samples 2 schools	Apr. 27
Apr. 10 17731	Toronto B.E. Mr. Orlando - Queen Alexandra P.S. 181 Broadview - Humberstone Collegiate 280 Quebec	5 samples 2 schools	Apr. 28
Apr. 10 17732	Scarboro B.E. T. A. Lennard - Samuel Hearne Sr. P.S. 21 Newport Ave. Scarboro	1 sample	Apr. 28
Apr. 10 17735	Ernest C. Drury School for the Deaf Milton (S.T. Orłowski) educ.	2 samples 1 school	Apr. 17
Apr 11 17738	Nipissing B.E. J.G. Collinson - Tweedsmuir School 176 Lakeshore, North Bay	2 samples 1 school	
Apr 11 17740	Victoria City B/E W.S. Perkins - I.E. Weldon S.S. R.R. #6, Lindsay	1 sample 1 school	Apr. 28
Apr 11 17741	Brant Co., B/E. Rick Mysling 349 Erie Ave. Brantford - Pauline Johnson C.V.S. Brantford	1 sample 1 school	

Date & No School Boards/Schools Reported

Apr. 11 17742	Durham B.E. 555 Rossland Rd. Oshawa R.J. Russell - Harwood S.S. - Central C.I.	3 samples 2 schools	Apr. 28
Apr. 11 17744	Scarboro B/E. - Albert Campbell CI 1550 Sandhurst Circle, Agincourt - Wexford Collegiate I. 1776 Pharmacy Ave. Scarboro	2 samples 2 schools	
Apr. 14 17746	✓ Elgin Co. E/E 400 Sunset Dr. St. Thomas, Ont. Robert K. Aspden - West Elgin S.S. - C.E.C.I. - Forest Park School	6 samples 3 schools	
Apr. 14 17747	Stormont, Dundas & Glengarry B.E. ✓ S.D. & G. County B/E Cornwall David Petepiece - Cornwall Collegiate & Voc. Sch.	3 samples 1 school	Apr. 29
Apr. 14 17748	✓ Nipissing District R.C. Sep. SB 1140 Front St. North Bay P1B 6P2 Mr. C.B. Charron	1 sample 1 school	
Apr. 14 9	✓ The Hastings Co. B.E. 156 Ann St. Belleville K8N 1N9 L.L. Decaire - Queen Elizabeth P.S. - Trenton H.S. - Central Hastings S.S.	7 samples 3 schools	
Apr. 14 1751	✓ East York Borough B/E. 840 Coxwell Ave. Toronto from HSB	1 sample	
Apr. 14 1753	✓ Scarboro B/E T.A. Lennard - R.H. King C.I. 2000 St. Clair E. Scarb. - Bliss Carman S.S. 10 Bellamy Rd S. Scarb.	2 samples 2 schools	Apr. 29

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with the coroner's office and the Ontario Provincial Police, quite apart from the responsibility of the ministry that has the greatest expertise when it comes to matters of forest fires. To suggest that in these circumstances the fire marshal's office had a major role to play is to distort the picture.

Mr. Stong: I take it from the minister's answer that he may or may not agree that, although the statutory provisions are very clear that he must investigate the cause, his fire marshal is ill equipped to cause an investigation into fires when the statutory provision requires it?

Hon. Mr. McMurtry: That is a total misinterpretation and misstatement. We're talking about forest fires. When it comes to a forest fire, I agree that the fire marshal's office is not going to—

Interjections.

Hon. Mr. McMurtry: Agencies of the government do apply a great deal of pressure. We can't have several investigations overlapping. Obviously certain agencies of the government have greater expertise in certain areas, and a certain amount of common sense is obviously important in any of these matters.

Mr. Renwick: Mr. Speaker, I'm concerned with the response of the Solicitor General. The statutory responsibilities of the various offices are not dependent one upon another. I ask the Solicitor General, would it not have been important for the fire marshal to have conducted and completed a full report with respect to his investigation so that the coroner and the coroner's jury would have available to them as part of the evidence, the report of the fire marshal in making their assessment, rather than for the fire marshal to stand back and say, "When the inquest is all over, I will complete my report"?

3:10 p.m.

Hon. Mr. McMurtry: Mr. Speaker, I simply reiterate what I said earlier: The conduct of the fire marshal's office, in my view certainly, met the standards of performance that is required of the fire marshal according to statute. The role carried out by the fire marshal in this office, I think was entirely appropriate.

USE OF ASBESTOS IN SCHOOLS

Mr. M. Davidson: I have a question for the Minister of Labour, Mr. Speaker. Is the minister aware of the report which his occupational health branch has brought down regarding Harbord Collegiate Institute, dated March 31, 1980, which shows that the air sample levels taken indicate there are two fibres per cubic centimetre in the cafeteria at Harbord Col-

legiate, and two fibres per cubic centimetre in the caretakers' lunchroom at Harbord Collegiate?

Given that the ambient air standard environmental exposure level is 0.04 fibres per cubic centimetre, which means exposure to persons within the cafeteria and the caretakers' lunchroom is five times greater than the ambient air level standard for environment exposure, can he tell us what his ministry intends to do?

Hon. Mr. Elgie: Mr. Speaker, I haven't got the exact dates of visits to Harbord Collegiate Institute in my memory, but I can tell the honourable member there were two occasions. First, there was the occasion when there was construction going on—the drilling of the materials that contained asbestos. On that occasion inspectors did go to Harbord Collegiate, did issue a stop order and did take air samples. When they were satisfied that the situation had cleared, work resumed with the workers, on those occasions, wearing respirators.

I also know that at the beginning of this week inspectors went to Harbord Collegiate, again at the request of the employees' union. I am surprised at the figures the member reports, because it was only yesterday I reviewed them myself. Of the 12 samples taken, 10 were below detection by the microscopic technique, and two were well below one fibre per cubic centimetre. If the member is suggesting his figures were not those given to me yesterday, I would like to have them. Those were the 12 results I was given yesterday on the most recent sampling done at Harbord Collegiate, 10 of which were below the detectable limit of the microscope and two of which were levels that were well below one fibre per cubic centimetre—and I mean well below.

As a matter of fact, the union phoned and asked if they could have a copy of the report. I instructed my inspector to say that, if the employer had not given them a report by yesterday sometime, we would be glad to give them a report. This was shared information available to everybody.

Mr. M. Davidson: This is a report from the ministry. It is dated March 31, 1980, and it shows quite clearly that with the fan off, for the cafeteria, students-only central area, there are 0.2 total fibres greater than five micrometres in length per cubic centimetre; and the same applies to the caretakers' lunchroom area in the school.

Hon. Mr. Elgie: Did you say 0.2?

Mr. M. Davidson: Yes. I apologize for the figures I gave earlier, but it is still far above

the standard, and I am sure the minister is aware of that.

Can the minister explain why it would be, given that this report was handed down on March 31, that on April 1, 1980, the occupational health branch issued a report, which says: "Recommendations are made. No order is suggested to be issued"? Is the minister going to allow that? Is he going to allow these standards to continue to exist in that school without making sure that anything is being done about it?

Hon. Mr. Elgie: I thought I made it very clear that the investigation on March 31, while the school was closed, was carried out. I think quite properly, at the request of the workers there, and the levels found were incredibly low. As a matter of fact, the 0.2 level the member referred to was one of only two out of 12 that showed anything.

Mr. R. F. Johnston: Two is too many in a students' cafeteria.

Hon. Mr. Elgie: What I am saying is on the basis of that report the inspector obviously said the occupational standard was not at issue here. Naturally there will be plans to review it again, but if the member is saying the environmental standard is exceeded I don't want to get into a discussion about whether there is an environmental standard, because I say quite honestly, I have reviewed some of the standards throughout the world and I know of no other province, state or country that has an environmental standard, because, frankly, they don't know what it should be.

I don't claim to have a full understanding of the issue or to be a genius about it. All I can say is, from an occupational standard the levels reported from that sampling, in which only two of 12 showed anything, were well below anything that would be of any occupational concern.

ASSISTIVE DEVICES

Mr. T. P. Reid: Mr. Speaker, I have a question for the Minister of Health in regard to prosthetic, orthotic and assistive devices for the physically handicapped.

Will the minister table the internal report of his ministry in regard to assistance for the physically handicapped in this regard, a report that was supposedly being completed in 1978? Since our sister provinces of Quebec and Manitoba provide these devices under their medicare and health insurance systems, will he now give these people what they deserve and are entitled to, which is assistance for these devices under the Ontario Health Insurance Plan without making them go out

and beg, borrow, steal or be dependent on welfare for these devices?

Hon. Mr. Timbrell: I am just as interested in the matter of prosthetics and orthotics as the honourable member but, with respect, I think he paints quite a different picture from reality when he uses that kind of language.

Mr. T. P. Reid: Where do they get them?

Hon. Mr. Timbrell: Mr. Speaker, the member and I have corresponded on this a number of times and he is well aware, from the Ontario Society for Crippled Children or through various organizations.

Interjections.

Mr. Speaker: Order.

Hon. Mr. Timbrell: When the member talks about our sister provinces, maybe he wants to talk about benefits provided in Ontario that aren't provided in certain other provinces, for instance, chiropractic, which is a subject he supports as well.

Mr. T. P. Reid: This is a lot more important than chiropractic.

Hon. Mr. Timbrell: That depends on your point of view, to the individual who needs it.

Mr. T. P. Reid: You mean if someone doesn't have an arm or a leg?

Mr. Speaker: Order.

Hon. Mr. Timbrell: Mr. Speaker, as the honourable member knows—I have indicated this to him before in correspondence, as I believe my colleague the Provincial Secretary for Social Development (Mrs. Birch) has too—an interministerial committee is looking at the question of the provision of assistive devices.

Mr. T. P. Reid: Since 1976.

Hon. Mr. Timbrell: I would hope in the not too distant future that interministerial review will be completed and we can release a statement on that.

Mr. T. P. Reid: I might point out that review has been going on for almost four years.

Before the Premier goes, could I redirect a supplementary to him?

Hon. Mr. Davis: Certainly.

Mr. T. P. Reid: Is the Premier aware that Mr. McKeough, the former Treasurer, on May 24, 1978, wrote the Ontario Advisory Council for the Physically Handicapped and said, "I am confident that somewhere in our \$14-billion programs we can find a low-priority \$2-million item which can be cut out to provide the necessary funding for coverage of assistive devices."

With Easter coming up, will the Premier at least not be as miserly as the Minister of

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Health and say that these people are going to be entitled to be covered under OHIP for devices that are absolutely necessary for them to live in the community and function?

Mr. Cunningham: Use some of the money the Treasurer didn't give away.

Mr. Speaker: Order.

Hon. Mr. Davis: Mr. Speaker, I don't know who is asking the question over there, whether it is the member for Rainy River or—

Mr. Speaker: It is not the member for Wentworth North (Mr. Cunningham), I can tell you that.

Hon. Mr. Davis: I know on so many questions he likes to feel he is asking everything over there.

I think the supplementary was directed to me: Did I know that Mr. McKeough had made a certain statement? The answer to that is yes.

With respect to what I guess was a second supplementary question, this government has always been sympathetic to those people with needs and concerns, and we have always demonstrated our capacity to deal with them.
3:20 p.m.

Mr. Breaugh: Mr. Speaker, if I recall correctly, in the fall when I asked him about this matter, the minister said that committee had just been appointed. It had taken something like three or four years to get it together. In the interim, could the minister take it upon himself to decide who has the authority to set up a procedure whereby if a physician recommends that these devices are necessary—either repair or provision of new devices—that will be covered under OHIP until this committee takes another three or four years to make its recommendations to him?

Hon. Mr. Timbrell: Mr. Speaker, first, it was not a matter of three or four years to begin to address. Second, it is not a matter that is going to take another three or four years to address. Third, through a variety of mechanisms external to government, the prosthetic and orthotic devices are being made available. It is a matter that at some point in the future I would like to see us get into.

I want to point out to the member for Rainy River that it was his party two years ago that demanded my budget be slashed by \$50 million; now it tries to be all things to all people.

ASBESTOS HAZARDS

Mr. Mackenzie: Mr. Speaker, I have a question of the Minister of Labour. Would

the minister bring this House up to date on the commitment of the former Minister of Labour regarding asbestos exposure—quoting from our letter of December 13, 1979—to develop appropriate controls, to update existing data and to develop an asbestos register on current and former workers? What is the status of the register? Has the union movement been involved and what information has been collected by this asbestos register?

Hon. Mr. Elgie: Mr. Speaker, as I reported some time last year to the House, that nominal roll was in the process of being prepared. I don't know the exact status of it but I will be glad to get that information and forward it to the member.

Mr. Mackenzie: That commitment was made in 1977. Could I ask the minister also to check why the union most involved at Canadian Johns-Manville has not been asked for the information it would have to pass on to such a register or for a list of the workers involved? Does the register really mean anything?

Hon. Mr. Elgie: If that happened, then I certainly will find out why it did because the union should have been consulted. I hope the register does mean something.

DURHAM REGIONAL ENVIRONMENTAL HEARING

Mr. Gaunt: Mr. Speaker, I have a question of the Minister of the Environment. With respect to the meeting the minister and the Premier (Mr. Davis) had this morning with the concerned citizens of Ajax in relation to the possibility of funding to assist them in the hearing before the Environmental Assessment Board, why doesn't the minister, based on his sense of fairness, agree to provide the money for this purpose?

Hon. Mr. Parrott: During that meeting this morning, and I feel it was a good meeting, Mr. Speaker, we made it very clear to the people there representing the citizens of Ajax, that, if they would state their case to the board and they wanted expert witnesses, it has been the policy of the board—and I would be surprised if the board changed that policy—to fund the cost of expert witnesses. That precedent is well established, in Elliot Lake and other places. I think the committee went away with a new understanding of what they could do to get some expertise from their perspective before that hearing. To a marked degree they were satisfied with that response. I hope they were, because I think it's valid to have both sides

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part-time, plus 14 students, who were not involved in the strike, have similarly not been recalled.

The issue is really whether or not those workers should all have been recalled and then laid off on the basis of seniority. That is a matter that has now been placed as a grievance. I think the member would agree it would be inappropriate for me to make any comment at this time in view of that procedure.

Mr. S. Smith: By way of a supplementary, since the minister refers to the current labour legislation which allows a company like this, with a lengthy anti-union record, to fire or lay off workers who participated in the organization of a legal strike and then to force them to go to arbitration to try to come back, which may take a very long time to do, would the minister consider changing the law so companies that are found to behave in this way, companies which dismiss employees basically for union organization and are then found to have to take back the employees, are automatically subject to a very stiff fine so they won't go through this business of figuring they can last the year and maybe the employee can't? Isn't it time to change the law so there is an automatic provision of a stiff fine for those companies that are found to have dismissed people because of their union activities?

Hon. Mr. Elgie: First of all, I don't think there can be any argument about the fact the Ontario Labour Relations Board made a decision about the activities of Radio Shack, which I think was considered to be just in those circumstances. The board should be praised for coming out in that forthright way which led to a negotiated settlement.

As to whether or not the failure to recall these particular people has been inappropriate or has been contradictory to the collective agreement reached, I don't think there is any doubt there is a mechanism to resolve that. That's the grievance procedure.

I don't know that there is anything wrong with the grievance procedure. It's my view that in the light of Bill 25, which we passed last year—I might say with some resistance from one of the opposition parties—we now have in this province one of the finest grievance arbitration procedures in North America. I don't think we need to be ashamed of it; we have the opportunity within that system to resolve grievances properly and efficiently.

Mr. Mackenzie: Supplementary, Mr. Speaker: Is the minister aware that the real key to the people who have been fired at Radio Shack is the fact that he is dealing with not

only the president of the union but members of the negotiating committee who have the responsibility in a difficult situation of trying to bring some order out of the chaos in that plant? Is the minister also aware of the agreement with the union that people would be called back, based on seniority, on April 7? Yet several days prior to that, notices went out to the leadership people in the plant. The intent is obvious. Can the minister duck the fact that they are trying to remove the leadership before they get into negotiations?

Hon. Mr. Elgie: Mr. Speaker, I am not trying to duck anything. I am simply telling the member the facts as I have obtained them. They may not be complete and there may be more information. My problem now is to decide which matters are going to go before an arbitrator and whether it's appropriate for a minister to comment on any action of either party when that's the very essence of the matter that will go to grievance. I will be glad to review it in the light of the comments the member has made.

Mr. Bounsall: Supplementary, Mr. Speaker: Will the minister ensure that these proceedings before the Ontario Labour Relations Board are dragged out as long as possible so that when reinstated with back pay to the time of the loss of jobs the back-pay packet will be as big as possible?

Hon. Mr. Elgie: Mr. Speaker, does the honourable member want that in writing or will a verbal assurance do? I think there's general agreement that processes and procedures before the labour relations board at this time are proceeding very rapidly and very efficiently.

USE OF ASBESTOS IN SCHOOLS

Mr. Cassidy: Mr. Speaker, I have a question for the Minister of Labour about his responsibility for communications between the Workmen's Compensation Board, Ontario, and the occupational health people in his ministry, communications which have not worked effectively in the past.

In the case of the death of Clifton Grant, is the minister aware that last October, when the WCB claims investigator met with the Scarborough Board of Education and that borough told the WCB investigator that they were planning a mass physical examination of all the employees involved in the same type of work as the deceased, the claims investigator's notes which came to the inquest said specifically, "I indicated that I felt it would be dangerous to overreact in this particular situation as it seemed to be quite isolated and that possibly the worst

thing that could be done would be to create a panic situation?"

Is it the WCB's policy to discourage remedial action being taken by employers in cases where there is clear evidence of asbestos exposure, including excessive exposure that leads to death?

Hon. Mr. Elgie: Mr. Speaker, it is not board policy to do so, nor does the board have any influence over what will be investigated and what orders will be issued with regard to occupational exposure.

Mr. Cassidy: Supplementary: Since the occupational health branch of the ministry is now aware of the death of Clifton Grant and the fact that his death was due to asbestos exposure in the Scarborough board, will the ministry now undertake comprehensive physical and medical examinations of all other school board employees across the province who may also have been exposed to asbestos in the line of their duties? Will the ministry also move quickly to establish the health and safety committees among school board employees which school boards have been resisting across the province?

Hon. Mr. Elgie: The matter raised by the leader of the third party is a matter that I have already put to my staff for consideration and I will be glad to report to him when a decision has been reached. Certainly that was my first reaction too, that all shops in boards of education should be reviewed. We are now looking into the feasibility of that.

Mr. S. Smith: If you consider this supplementary, Mr. Speaker, would the minister explain why, in view of the opinions expressed by experts in occupational health in Hamilton, blue asbestos is still being used at Johns-Manville Canada Incorporated? Why will the minister not, in fact, eliminate the use of that particular type of asbestos?

2:40 p.m.

Hon. Mr. Elgie: As the Leader of the Opposition knows, it is claimed that blue asbestos has value, particularly in the manufacture of cement piping. It's also true that a number of countries have reviewed the appropriateness of the use of blue asbestos. In two European countries it has been banned. In some other countries use has been limited.

In North America at the present time, to my knowledge, its use has not been banned, although I understand two provinces in the west are at present looking at some limitation on the use of it. In this province I am

told that less than 10 per cent of the asbestos used in the Johns-Manville plant is of the blue type, and that is a matter I will be discussing with the president when I meet with him this week.

Mr. Speaker: That supplementary would have been okay in the United Kingdom, but it is not okay here.

Mr. Cassidy: A final supplementary: Could the minister comment on the communications problems between the Workmen's Compensation Board and the occupational health authorities in his ministry with reference to the death of Ted Gardner, who worked for York Board of Education, whose claim for asbestosis was accepted by the WCB more than two years ago and who is subsequently deceased? Was there no communication in that case with the occupational health people in his ministry?

How many other cases are there across the province where workers have been injured or have died because of asbestos exposure and where action also has not been taken by the occupational health authorities within his ministry?

Hon. Mr. Elgie: As I outlined in my statement last week, it clearly had been felt by staff that the particular work place involved was not one that was covered. We went over that last week. I have outlined—I hope very clearly—what I believe to be a firm resolution of the matter so that it will not happen again.

I don't want to dispute the fact that there are some difficulties with communication. I think we have resolved a lot of them. I meet with the board regularly. For instance, tomorrow morning I am meeting with it for two hours to discuss any unresolved difficulties. That is a regular meeting.

I also have asked Professor Paul Weiler to review the issue of whether there is any value in integrating WCB and our own occupational health and safety branch in any way that might eliminate the slightest possibility of a slip-through problem like this. I am well aware of the situation, and I like to think I am doing everything reasonably possible to correct it.

FORD CASTING PLANT

Mr. Cassidy: Mr. Speaker, I have a new question to put to the Treasurer (Mr. F. S. Miller) arising out of the impending closure of the castings plant at the Ford Motor Company operations in Windsor. In view of the fact that there now are 2,269 Ford workers in Windsor who are on indefinite

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the difference since our Gains level is not, as the minister knows, indexed to the same cost of living as the Canada Pension.

Is he saying that if we actually indexed Gains so that it moved in conjunction with Canada Pension, Ontario would lose all of the federal share of the cost-sharing program? Is that what he is saying?

Hon. Mr. Norton: No, I think that would not be the case. I think it would be the portion of the increased amount that would not be eligible for cost-sharing. I would point out to the honourable member, though, that one ought not to be misled. He might recall a year ago in January when, more by coincidence I suppose than by design, both the provincial assistance and the federal Canada Pension adjustment took place within the same month that concern did not arise.

What has happened in this fiscal year is that there was not a coincidence of the two dates. It has raised this concern, which has happened from time to time, not necessarily with respect to this particular increase but with respect to other federal assistance, and so on. I suggest to the honourable member that it would be desirable if our increases could always coincide with the federal government's; but I would also point out to him, as he knows well, that it has not been the policy of this government to index provincial benefits, and I think given his knowledge of the financial circumstances of the federal government of this country it was a wise decision this government took.

We will continue to review the levels of benefits in this province, as we have done. I think the member ought to bear in mind that the increase that has recently been announced has been very well received by recipients in this province. Unfortunately, those who do receive Canada Pension benefits have experienced approximately a two-month delay in the announcement of this increase. That is not a serious problem.

CHIDAMO HOUSING PROGRAM

Mr. G. E. Smith: Mr. Speaker, I have a question of the Provincial Secretary for Resources Development (Mr. Brunelle). In view of the allegation that money has been wasted on the Chidamo program, the federal government-sponsored housing program for the native peoples in Port McNicoll, will the minister ascertain whether any provincial money is involved in this program? In view of the fact that the agreements were signed for the purchases of the houses at approximately \$30,000, and now they're being asked to pay in the area of \$50,000, will the

minister see what he or the government of Ontario can do to attempt to resolve the problem, in co-operation with the federal government?

Is there any provincial funding in this program?

Hon. Mr. Brunelle: I believe there is, Mr. Speaker, but I'll certainly look into it and make sure, if there are funds available from the province, that the funds will be allocated to this housing program.

LETTER BY POLICE COMMISSIONER

Mrs. Campbell: Mr. Speaker, in the continuing absence of both the Solicitor General and the Attorney General (Mr. McMurtry), I would address my question to the Provincial Secretary for Justice (Mr. Walker).

Would he care to tell this House what the position of this government is with reference to the letter of Mr. McKay, and his continuing intransigence in these matters of offensive statements? Is the government prepared to declare now that he is ineligible to continue to serve on the Metropolitan Toronto Board of Police Commissioners?

Hon. Mr. Walker: Mr. Speaker, I'm sure that's a matter the Attorney General, or the Solicitor General, will consider when he arrives back. He will probably be able to speak to the member on that matter when he addresses the House next week.

Mrs. Campbell: Since it doesn't seem to be the practice of either of these gentlemen to answer these questions, would the minister draw to his attention the question which I have raised; and would he ask him to respond on whether this is the appropriate time to review the police commission in Metropolitan Toronto, with a view to making it more representative of the various facets of this municipality?

Hon. Mr. Walker: I'll see to it the matter of the police commissioner and the letter is brought to the attention of the Solicitor General. He will be able to take whatever steps are warranted. I will mention to him as well that the member would like him to respond specifically to it.

USE OF ASBESTOS IN SCHOOLS

Mr. Ziemba: Mr. Speaker, I have a question of the Minister of Education (Miss Stephenson). Will the minister table, before the end of the week, the names of those schools that are asbestos-contaminated, as well as the projected costs of the cleanup?

Will she now take steps to put teachers under the protection of Bill 70?

Hon. Miss Stephenson: Mr. Speaker, as I suggested last week, I will attempt to bring together the information we have from all the testing programs that have been carried out thus far. When that information is available to me, I shall share it with the House.

As I'm sure the member knows, there have been discussions going on between the Ontario Teachers' Federation, the Ontario School Trustees' Council and the Ontario Association of Education Administration officials regarding the appropriate kind of regulation legislation, in terms of occupational health and safety for teachers, under the same rubric as, or a similar rubric to, that of the Occupational Health and Safety Act. Those discussions are proceeding, and I believe there will be something forthcoming from them in the near future to ensure that equal protection is available to teachers.

3 p.m.

Mr. Ziemba: Since there is no safe level of exposure to asbestos, and there have been complaints about dust at E. C. Drury School for the Deaf since last September, and in view of the minister's claim that she has attempted to dissuade school boards from using asbestos, why did she take no action at E. C. Drury, a school run directly by her ministry?

Hon. Miss Stephenson: I think there is a little misinformation out and about regarding the E. C. Drury school. In fact, testing has been carried out. The results of that testing are expected to be available tomorrow.

This morning, the superintendent of that school called together all the teachers within the school and held a meeting. They had a very co-operative discussion, and it was decided to close the nine boys' shoprooms in the school, the areas in which there appeared to be a problem.

Mr. Wollaston confirmed that the nine shops in question are vented to the outside and there is no intercommunicating air circulation with other rooms in the school. Three of the nine rooms do have some flaking as a result of workmen working fairly closely adjacent to that part of the building. That area has been tested. The superintendent of the school circulated a letter to all parents apprising them of the room closure and of the other precautions which are to be taken.

Mr. Wollaston has been instructed by my ministry to proceed with spraying of the nine areas today. That is happening, I believe,

this afternoon or tomorrow morning. In addition, the entire staff of the school has agreed to carry on with useful programs in the remaining related rooms within that building and not to use the nine that are closed until all the spraying can be completed.

AMBULANCE ATTENDANTS' TRAINING

Mr. Bradley: I have a question of the Minister of Health (Mr. Timbrell), Mr. Speaker. A recent television documentary program, called Heart Attack: Prescription for Survival, revealed that hundreds of unnecessary deaths occur in Ontario each year, mainly because ambulance personnel are prohibited by law from offering certain kinds of paramedical aid to the people they pick up on their route.

In view of this report and in view of other supporting evidence that points out this particular fact, is the minister thinking of initiating legislation which would permit ambulance personnel to carry out cardiopulmonary resuscitation? Is he also thinking of establishing this as a definite qualification for all those who work in ambulances? What is the situation at present?

Hon. Mr. Timbrell: Mr. Speaker, I am pleased to inform the member that that is already policy. To date, 81 per cent of all ambulance attendants in Ontario are qualified in cardiopulmonary resuscitation. For the member's edification, I will send him a copy of the letter which I sent to the member for Windsor-Sandwich (Mr. Bounsall) last week in answer to a letter he sent to me on the same subject.

Mr. Bradley: I thank the minister for that answer. It is encouraging.

First, are all personnel who ride in ambulances going to be required, by a certain date, to have this particular training? Second, is the minister thinking of having his ministry initiate a public education program such as is available in, for instance, the city of Seattle, where approximately half of the population at present has CPR training and, therefore, is able to assist those who have had a heart attack in the very crucial first four minutes?

Hon. Mr. Timbrell: I have just taken another look at my letter. It's not 81 per cent, but 93 per cent of the existing attendants who are qualified in CPR. Among those, approximately 400 are fully accredited CPR instructors and take part in programs in their communities.

We also encourage the carrying out of courses in CPR with St. John Ambulance or

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rc? Oh, last week. Some of it has disappeared. The ice is out in Georgian Bay. The smelt season starts at the Musquash channel tonight at eight o'clock.

I would say to the Leader of the Opposition that we don't anticipate, in very general terms, a problem with gasoline supply. As the National Energy Board said, we have to be careful, we have to conserve, we can't be wasteful, but at this precise moment I think we will see our way through the spring and summer months.

Mr. S. Smith: I have a supplementary, Mr. Speaker. Far be it from me to blame the Premier for anything. I have learned that for the last 37 years in Ontario everything good has come from that side of the House and everything bad from the federal government. We are well aware of this view which permeates the thoughts of the people on the opposite side as they dream of another 37 years of power. Believe me, they are not going to have that.

Interjections.

Mr. S. Smith: I am sure the weather isn't particularly cold in Jerusalem or Fort Lauderdale.

I want to ask the Premier a supplementary question. He said the chances are we won't have gasoline shortages and that is good. I hope he is right. Does he not agree, however, that there is something unusual and irregular about the degree to which we as a country and as a province seem to be selling gasoline, which is after all subsidized by our taxpayers, to Americans who have come over for the sole purpose of buying that gasoline at certain border points?

While recognizing that we want to encourage tourism and we certainly don't want to do anything which would put bona fide tourists into difficulties, does the Premier not think that some kind of limitation should be put on the gallonage that any service station dealer is permitted to sell to cars at the border points within one or two miles of the United States? Does he not think there is something a little unusual about people lined up from the United States to buy gasoline that Canadians are subsidizing?

Hon. Mr. Davis: Mr. Speaker, I don't want to get into a debate as to the degree of subsidization. If the honourable member is asking whether there is something unusual or unique about Canada, then I say, "Yes, thank heaven for it." We are a unique and unusual nation and that is one of our great strengths.

Interjections.

Hon. Mr. Davis: When I listen to the Leader of the Opposition, he now has doubts about his wisdom in supporting the new government so enthusiastically. On February 17, he was gung ho, they were going to solve all the problems. They have been in power two months and he is dissociating himself again from what they are attempting to do.

He accused me about dreaming of another 37 years of power. I assure him I don't have fantasies like his. My fantasies don't extend in that direction. He should keep his fantasies to himself. He doesn't know what I dream about; I have my private thoughts. We will be in power long after he has left, that much I can tell him. I wouldn't predict 37 years.

If the Leader of the Opposition is telling me we should close the borders to our American neighbours because of the amount of gas they are buying, I have to say no. I don't think we are prepared to close the borders.

USE OF ASBESTOS IN SCHOOLS

Mr. Cassidy: Mr. Speaker, I have a question of the Premier (Mr. Davis) which arises out of the decision of the Toronto Board of Education to establish its own task force to test 80 schools suspected of having asbestos to a degree hazardous to children, maintenance workers and teachers. Given that the Toronto Board of Education has repeatedly over a number of months tried to find out from the Ministry of Education what the guidelines are, what the standards are, how to do the testing; given that the board, wanting urgent answers, has been told by the Ministry of Labour that tests on schools would take six to eight weeks, and given that the board has been told by the Ministry of the Environment that it won't test for ambient air standards at the same time or on the same basis as the Ministry of Labour, can the Premier say which ministry is responsible for cleaning up asbestos in the schools and why this confusion has been allowed to continue?

Hon. Mr. Davis: Mr. Speaker, I really think that question should go on the Notice Paper. By my count, there were approximately five statements of questionable facts and three questions. I think the Minister of Education (Miss Stephenson) is fully knowledgeable on this subject. The question properly should be directed to her, and she is sitting there in eager anticipation, anxious to answer it.

Mr. Cassidy: A supplementary question: Apparently there is no minister responsible for cleaning up the asbestos situation in the schools and the government has left that situation in limbo, causing a lot of the

problem. Can the Minister of Education who has been designated to reply, explain why it is that confusion continues in the ministry to a point where the Toronto Board of Education has had to establish its own task force to do its own testing and to send the tests out to private laboratories because of the failure of this government to come up with answers at a time when parents and kids need them?

Hon. Miss Stephenson: Mr. Speaker, the Ministry of Education, with the support of the Ministry of Labour, last July began requesting school boards across this province to investigate all buildings within their jurisdictions for possible asbestos hazards. That request went out in early July. By late fall, all of the boards in northwestern Ontario had complied with the request.

I am not aware at this point that the Toronto board has completed its visual inspection. At the end of January, information drafted by the occupational health and safety specialists was sent to all boards in the province informing them what further testing should be done and what should be done to solve the problem if asbestos were found in any of the samples.

The member for High Park-Swansea (Mr. Ziemba) is the only person in this House who has suggested that the occupational health and safety laboratory would require six to eight weeks to complete the testing. It is my information from the laboratory that the testing is completed in almost all instances within 30 days and that testing can be speeded up if the boards have specific concerns.

There is a difference between air testing done within and that done outside a building. The Ministry of the Environment has developed the expertise to test air samples from the exterior air and I think that expertise should remain within that ministry. Inside buildings it is the specific area of expertise of the occupational health and safety people who have developed their technique. Co-ordinated support is being provided to all school boards across this province.

I am delighted to hear that the Toronto board has formed a task force and is going to become really active in this area. I will be delighted to continue to provide assistance to them if they feel they require it. I am happy to hear they have established a task force, not to deal with asbestos but to look at other hazards that they think may be within the schools. That's a reasonable exercise for a responsible board.

Mr. Nixon: A supplementary question, Mr. Speaker: can the minister explain why that well-known and objective spokesman for the Toronto board, Fiona Nelson, would have said this morning that it's not the individuals in either of the ministries but the organization of which she is critical? The Ministry of Labour looks after the quality of the air inside the schools and the Ministry of the Environment looks after the quality of the air outside. While the minister may claim that there is a difference, surely, to any reasonable person, it would seem that if they can't co-ordinate, then the Minister of Education should co-ordinate these matters and these tests in support of the boards in Toronto and across the province.

10:30 a.m.

Hon. Miss Stephenson: Mr. Speaker, I am aware some concern has been expressed that there is different testing outside and inside the schools. My concern is primarily within the schools because that is where the students are present for a concentrated and prolonged period of time over the day. If they are outside for recess for 15 minutes, it really is unlikely to be particularly hazardous unless there is some asbestos plant within the area which might possibly be causing trouble.

The efforts being taken through a co-ordinating arrangement among the ministries are successful, and I think they will continue to be. It is our responsibility within the Ministry of Education to ensure that the actions taken within the school system are taken directly and positively and in support of eliminating as many hazards as possible from those schools. That is what we are doing, and we are grateful for the assistance that has been given to us on a very free and open basis by the occupational health and safety people within the Ministry of Labour and by the Ministry of the Environment.

Mr. Cassidy: A final supplementary question, Mr. Speaker: If the minister contends that the actions of the government are co-ordinated in resolving the asbestos problem in the schools, can she then explain why it is, after all the concern raised here and across the province, the Toronto Board of Education has still not been able to determine whether or not the ministry is prepared to participate in funding the cleanup of asbestos in the schools?

Can she explain, as well, why it is that the Ministry of Labour has told the Toronto board that even where asbestos contamination is suspected, the testing process will take six to eight weeks, and the only way to get around it is to close down a school and take crisis

measures the way they had to do with Harbord Collegiate Institute? Surely this is a sign that the co-ordination is not yet working. It is about time the ministry responded with urgency, because parents and children are concerned and they want answers within days, not months.

Hon. Miss Stephenson: Mr. Speaker, we have responded, I think, with rational urgency because no one is more concerned about any potential health hazard to children than the staff of the Ministry of Education and the minister; but I am now informed by the occupational health and safety division that the period of time required for testing is two weeks. I don't know where the leader of the third party is getting his information, but I suspect it may be from the chairman of the Toronto board.

Mr. Cassidy: Just on a point of order: The information we have is what the Toronto Board of Education is, in fact, being told by the Ministry of Labour—

Mr. Speaker: New question. There is nothing out of order.

FORD CASTING PLANT

Mr. Cassidy: I have a new question for the Minister of Industry and Tourism (Mr. Grossman), Mr. Speaker, if he would like to get in his place.

Hon. Mr. Grossman: Sorry about that.

Mr. Cassidy: Yesterday afternoon, when I spoke to Roy Bennett, the president of Ford Motor Company of Canada Limited, he indicated the company is planning to mothball the Ford casting plant in Windsor for a period of a year or two or more, with a loss of 850 jobs in addition to the 450 or 500 workers already laid off from that plant.

The union tells us that duplicate patterns of every part that is made in that plant have been taken to the United States. I would like to ask, in light of those actions by Ford and that statement—surely the honourable minister would agree that mothballing is just another form of closure—will the honourable minister undertake to ensure that Ford does not mothball the casting plant and that it keeps that plant and its 850 jobs in Windsor?

Hon. Mr. Grossman: As the leader of the third party knows very well, short of taking over Ford and seizing the assets, this government and no government can assure the House that that plant will not be closed. He knows that very well.

I want, though, to take this opportunity to repeat what I stated last night during the emergency debate, and that is I have in-

dictated as forcefully as possible to the Ford Motor Company of Canada that that particular plant should, in my opinion, not be one that is mothballed or closed.

The reason I put this proposition to the Ford Motor Company was that the \$3-billion deficit in auto trade Canada currently faces is made up largely of Ford's in-house auto parts production capabilities. Very little of that is in Canada, so if we really are going to get serious about reducing the auto parts deficit, it becomes crucial for Ford Motor Company in particular to do everything it can to maintain its in-house parts production in Canada.

I am aware of the alternatives Ford Motor Company faces. It has two plants in the United States and one in Canada, all with substantial excess and unused capacity, all doing approximately the same thing. Of those three operations, the Canadian one, the one in Windsor, is by far the oldest.

In my view, unless the inefficiencies of opting for the Windsor plant are overwhelming, they should opt to keep the Windsor plant open. In simple terms, having had a lengthy discussion with Roy Bennett, the president of Ford Motor Company of Canada Limited, it is apparent that Ford Motor Company will not be undertaking major new auto parts plant production over the next many years. They will be renovating and re-tooling and re-equipping old plants. There is unlikely to be any major new auto parts facilities built by Ford in North America over the next few years.

That means whatever plants are in place must be retooled and we must see reinvestment in them if we are even to maintain our current position. Based upon that analysis, I said very strongly to Mr. Bennett that in view of the fact that he was going to have limited, if any, capability to put in a new parts plant in Canada over the next many years, it becomes terribly important that whatever Ford in-house parts plant facilities are already in place here in Ontario be maintained and fully operated. I put that position as forcefully as possible. It couldn't have been put more forcefully and we're waiting to see what the next response from Ford will be.

Mr. Cassidy: In light of these words of the minister and in light of his recognition that Ford is responsible for a very large proportion of the huge auto parts deficit we have with the United States, can the minister explain why it is that while Ford is supposedly considering a shutdown of its castings plant, the duplicate dies and patterns have already

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will mean nothing. Whereas if the engine plant is retooled and the parent corporation goes bankrupt, we will be left with an engine plant that is viable, one that will produce engines and continue to provide jobs?

Hon. Mr. Grossman: Mr. Speaker, of course, we are aware of that. The question becomes one of what this government ought to do to ensure that engine plant stays open.

I have indicated the sole thing we can do with a company whose urgent problem is a current cash flow is to give them millions and millions of dollars of upfront grants to make the decision to leave that engine plant open a viable one. I do not think we should neglect the fact that the Chrysler corporation is deciding that it need not worry about having engines in 1983 if it does not get through the next short period of time. Therefore, its major concern is its cash-flow position over the next period of time.

I say to the member I am distressed at the loss of that engine plant. It will have the consequences the member refers to. All that reinforces the fact that we must get the kind of job guarantees I am insisting upon before we consider participation in this operation.

Mr. Mancini: Mr. Speaker, I would like to ask the minister whether officials of his ministry have checked out the situation to see if this decision not to retool the engine plant, made in the United States by the parent company of Chrysler Canada, is in any way a contravention of the auto pact. If it is, what action does the minister plan to take on this matter?

Hon. Mr. Grossman: Two things, Mr. Speaker. First, the member raises a point that has been forgotten in some of these discussions. That is, presuming that Chrysler Corporation, the parent company, does survive by virtue of its arrangements with the loan board, and presuming it would still want to serve the Canadian market—which is a very important and strong market for the company—it would have to continue to provide employment here pursuant to the auto pact requirements.

I have had no indication from Ottawa that there is any intention to relieve Chrysler of its auto pact requirements. So when we talk about the net new jobs to be gained by the participation of this government and the federal government, we must look at the numbers of jobs that are in excess of the number of jobs that the auto pact would require be in there if Chrysler is to continue in any form whatsoever.

Second, the company could not close that operation unless it was in compliance with the

auto pact. Having raised that question with Ottawa, I am informed by Ottawa that the company still is complying with the pact.

I should also indicate to the honourable member that I have just returned from giving a speech to the Automotive Parts Manufacturers Association, where I indicated quite firmly and publicly that this government insists the figures that traditionally have been held confidential between the car companies and the federal government regarding compliance with the auto pact should now be made public so that this government, this assembly and the people of Ontario can assess for themselves the terms of compliance of the Big Three with the auto pact.

ASBESTOS HAZARDS

Mr. Cassidy: Mr. Speaker, I have a new question, of the Minister of Labour, arising out of the list of companies that was tabled in the Legislature last week, companies where workers have suffered occupational disease because of exposure to asbestos. Can the minister tell me why, when workers in more than 80 companies across the province have suffered from asbestos exposure and have had Workmen's Compensation Board claims arising therefrom, his ministry is still establishing a registry for workers at only one company, namely Johns-Manville Canada Incorporated?

Hon. Mr. Elgie: Mr. Speaker, I am sure the member recalls that I asked my staff to look into the possibility and value of a nominal roll in any other industry. I might tell him, and I am sure he knows very well, that all workers who are exposed to asbestos regularly attend the chest survey and pulmonary function testing routine either on a biannual or annual basis. So workers who are exposed to asbestos do attend an X-ray checkup unit, and that involves an X-ray and pulmonary function testing on an annual or bi-annual basis. They are being followed now.

What the member is talking about in a nominal roll is going back to some date in the past and gathering a list from the past. I am telling him that I have asked the staff to look into that to see if it is feasible and if it would accomplish anything that we all want to accomplish. It is being looked into.

Mr. Cassidy: Can the minister explain why he says his ministry now is looking into the possibility of establishing a registry and tracing workers who have been exposed to asbestos when almost three years ago his predecessor stated in a letter to somebody

in the Canadian Chemical Workers Union at Johns-Manville that the occupational health branch of the ministry "will develop an asbestos register on current and former workers," clearly indicating that the registry would cover workers who have been exposed across the province and not just at one company?

Will the minister undertake now to implement the promise that was made by his predecessor almost three years ago and have a registry for tracing workers who have been exposed to asbestos from any company, rather than just the one?

Hon. Mr. Elgie: I do not want to commit myself to something I have not reviewed yet. It may be that someone else has said something, but what I am saying to the member is that I have asked staff to look into it and give me some advice on it. I think that is the only rational way I can approach it. I am not trying to be obstructionist. I am simply trying to be logical.

Mr. Ziemba: Mr. Speaker, since there is a great concern about the exposure limits of asbestos, and since there is now no legal limit to asbestos, when can we have that list of hazardous substances which was supposed to accompany Bill 70 last fall?

Hon. Mr. Elgie: Mr. Speaker, as the member knows, at the estimates last year we tabled our targets in terms of substances on an annual basis for the next two or three years. As I am sure he also knows, we have already gazetted certain substances, one of which is asbestos, and we now are in the process of considering a change in the occupational standard for asbestos.

I might tell the member it is clear that it is not an easy problem. As he knows, the National Institute for Occupational Safety and Health made recommendations in 1975 and 1976 that still have not resulted in change. So it is not an easy problem, and we are not a province that is behind anybody else in North America in this matter. We are reviewing it now with a view to a change.

2:50 p.m.

Mr. Cassidy: It seems the minister is telling the House that a promise made by a former minister is no longer a promise when that minister is moved to another ministry. Under the Conservatives of this province, a promise is not a promise if there is a change of ministry. It is a way of evading promises made in the past.

Is that what the minister is saying, or will he now undertake to implement the promise

made by his predecessor and start an effective program of tracing workers who have been exposed to asbestos in every work place in Ontario, rather than doing it in just one or two companies?

Hon. Mr. Elgie: I have already indicated many of the measures that are already under way. I might also indicate that there already is a roll for some 1,000 insulation workers. As the honourable member knows, we also have a roll for some miners up north. I have asked the staff to look into whether it is feasible to do anything else in any other area.

SALE OF MACMILLAN COMPANY

Hon. Mr. Bactz: Mr. Speaker, I have an interim response to the question of the leader of the New Democratic Party (Mr. Cassidy) on April 25 regarding the merger of Gage Publishing Limited and Macmillan Company of Canada Limited, an operating division of Maclean-Hunter Limited.

I share the member's view that the publishing program of Macmillan of Canada has been important to Canadians and that the effects of the announced merger on that publishing activity need to be clearly understood.

Earlier this week I met with representatives of the Writers Union of Canada and the Association of Canadian Publishers to discuss the questions they have raised concerning the merger. This morning I met with the chairman of the Maclean-Hunter board of directors and the president of Macmillan. I have also contacted both the federal Minister of Industry, Trade and Commerce, Mr. Herb Gray, and the Minister of Communications, Mr. Francis Fox, concerning this transaction. I have arranged to meet with the president of Gage next week.

I have been told that Ron Besse of Gage has called a press conference for tomorrow, and it is to be hoped he will shed new and additional light on Gage's plan for Macmillan. Once these meetings are completed, and after the Foreign Investment Review Agency has indicated whether there is any reason for it to be involved in reviewing this transaction, I will provide a full and further response to the member's question.

Mr. Cassidy: Mr. Speaker, can the minister assure the House that, should the government not be satisfied that Macmillan's distinguished trade publishing activities will be maintained under the proposed new owners, the government will be prepared to participate if there is another bidder who is

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down is June 6? They are under very serious financial pressure. They are going to have to start making those plans in the next two, three or four days. It is not nearly as much use to come in 10 days from now with a sudden reprieve at the end when a lot of adverse decisions have had to be made. Why does he not do that this afternoon? He does not do very much anyway. Phone them up this afternoon and save them.

Hon. Mr. Baetz: I will ignore that little editorial, Mr. Speaker; it is a piece of nonsense. If the member would like to follow me around for some weeks we will see who is doing something and who is not.

Before I go back and negotiate with them or even begin to discuss with them any possible way of saving the school, I want to get some facts and it is taking me a little time to get the facts. I am not going to rush in there without the facts just because the member is grandstanding on their behalf.

REGISTRY OF ASBESTOS WORKERS

Mr. Laughren: Mr. Speaker, I have a question of the Minister of Labour which also involves his friends at Johns-Manville Canada Inc. Does the minister recall that about four or five years ago between Chapleau and Timmins there was an asbestos mine known as Reeves mine because it was in Reeves township? There were approximately 100 workers employed at that mine but over a number of years there were hundreds of workers who worked there at different times. Although he was not the minister then, does he recall that both the mine and mill were closed down due to occupational health problems at that time? Could the minister tell us whether his ministry responded to demands from this party that a registry of workers who worked at these mines be established? Has that ever been done?

Hon. Mr. Elgie: Mr. Speaker, first of all, with regard to the use of the word "friends," one cannot always associate the word with who might be a friend and who might not. For instance, I have a dog that hates the member's guts even though I happen to like the member. She has been after him several times; she is a Tory dog. He understands this; he has had those attacks before. So I think friendship is always a relative term and one should keep that in mind when one accuses someone in the way the member has.

I am well aware of the fact that Reeves mine was closed by this ministry or by what was then part of this ministry, the mines division of the Ministry of Natural Resources,

because of the occupational health hazards. As to whether or not there is a registry of workers, I would have to check into that. But I know that extensive efforts were made to try to locate all those miners. The member knows that. Letters were written to them all and ads placed in the papers. Diligent efforts have been made to try to locate as many as possible and their names are kept on record. If the member wants more details about the record, I will have to inquire into that and get back to him.

Mr. Laughren: Supplementary, Mr. Speaker: That is very interesting to know. I did not know that. Would the minister tell me too, if it is a fact, as I am led to believe, whether there is a very high rate of both lung cancer and associated lung diseases among workers who were employed at the Reeves mine? The figure I have, and one the minister probably has too, indicates seven people died of cancer and there were 30 cases of lung disease among workers who worked at the Reeves mine.

Is the minister aware of those figures? Has he established contact with all the workers who have had problems? Has he completed his search? How many of the total number of employees who worked at Reeves have been contacted? Does he know where they are and what their health is? Has Johns-Manville been assessed a higher rate of compensation assessment as a result of the performance at that mine? Would he table all the information he has about the number of workers who were employed at the Reeves mine and their health condition?

2:40 p.m.

Hon. Mr. Elgie: Mr. Speaker, I don't have that information available to me because obviously I didn't know this question was going to be asked. But let me just reaffirm a couple of things. Clearly, we must have a list—and it is my recollection now we do—of the last payroll and of other payrolls, because it is from that list that we have sent out requests to try to locate the miners.

Incidentally, we are also able to follow any miners who worked at the Reeves mine through the annual chest X-rays which are carried out on all people working in the mines. There is a broader study on the health of miners being done by the ministry. The names of the people involved are, I believe, now at StatsCan and we are waiting for a report from them.

The Workmen's Compensation Board, in addition, has a list of the people who were at those mines. But if the member would be kind enough to give me, in writing, the

specific things he wants I would be glad to discuss them with the board and get back to him.

DISPUTE AT AMR CENTRES

Mr. S. Smith: I have a question for the Minister of Community and Social Services. I know the minister must surely feel, as I do, that the workers among the mentally retarded in Hamilton who have been on strike now for some eight weeks—it is the ninth week of their strike now—are dreadfully underpaid. They should not have to be out there on strike to get a decent wage, but they still are. Can the minister tell us how it was that a similar strike in Toronto lasted only a matter of days, following which a reasonably acceptable settlement was made?

Was there additional ministry money offered to the Toronto organization in order to help them finish this strike, money that has not been offered to Hamilton? Is the Toronto organization able simply to go into debt and assume the ministry will bail it out? Or does it have some other source of revenue? What is the understanding of the minister as to how the Toronto settlement could have occurred so quickly—and a more generous one for that matter—when the poor folk at Hamilton have been out now for nine weeks and still have no sign of a settlement?

Hon. Mr. Norton: Mr. Speaker, I would certainly agree with the honourable member that it is unfortunate that the strike in Hamilton has continued for a period of eight weeks, both for the persons who are on strike and also for the mentally retarded persons whom they serve.

The allocations to the associations for the mentally retarded in all cases this year were on the same basis. They received an eight per cent increase in their allocation for existing programs. That is true also of the Metro association.

I do not know specifically how Metro arrived at its settlement. I mean by that it is free to make certain reallocations within its budget. I don't know precisely what it did in order to arrive at the agreement it did. But I can assure the honourable member that there has been no increased allocation to the Metropolitan Toronto Association for the Mentally Retarded over and above the allocation which was on the same basis as the Hamilton association.

The staff of the ministry is in regular contact with the Hamilton association, attempting to assist it in identifying possible

available resources it may not have identified within its budget. In fact, there is a meeting taking place this afternoon with the representatives of the association and senior staff of my ministry. I hope that will be a further fruitful meeting.

Mr. S. Smith: By way of supplementary, could I ask that the minister do two things if he would be kind enough to consider this? Could he, first of all, include members of the union in these discussions? The workers are quite mystified as to how Toronto could have settled so quickly for more money than they have been offered. They can't seem to get a settlement, and they are out there on a picket line day after day instead of taking care of the retarded. Could he possibly bring them in on the meeting so they will understand how this has happened?

Second, would the minister immediately please take whatever steps are necessary to let them earn a living wage and get back to work? It is simply intolerable that they should be expected, after years and years of experience, college degrees, diplomas and so on, to be earning less than the average civil servant receptionist. I think this has to be brought to an end. If the association is wrong, then for goodness' sake the minister should show it where it is wrong. But if it is the government's refusal to put a sufficient amount of money into the pot—it has enough money for everything from car rebates to pulp and paper projects—would it please put a few dollars in and get these people back to work?

Hon. Mr. Norton: Mr. Speaker, there was a series of questions. I will try to remember each of them. I think that at this point in the negotiations it would be inappropriate for me or the staff of my ministry to meet together with both parties at the same time. I think what we are doing, in terms of our meetings with the association, is attempting to assist them in identifying possible areas within their budget where they may have more flexibility than they have identified. I don't think it would be appropriate to hold that meeting in conjunction with the presence of the labour union.

On the other hand, I think it's important to bear in mind that the settlement between the Metropolitan Toronto association and its employees, however quickly it was arrived at, was arrived at through the collective bargaining process with no intervention on the part of my ministry.

I cannot at this point answer for the member where the Metropolitan Toronto

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ble to set aside the legislation that exists in favour of this ad hoc arrangement of his simply because of that, or is there some other reason why he does not want to have an environmental assessment hearing?

Hon. Mr. Parrott: Mr. Speaker, I gave that as an illustration. I can stand here in my place for some time and tell the member other significant differences. Let me give him one.

Mr. S. Smith: Well I asked the minister three times.

Hon. Mr. Parrott: Sometimes, Mr. Speaker, it is hard not to respond to some of those interjections. There is one very major difference if an environmental assessment was heard and a decision was made by the board. I would remind the Leader of the Opposition that the very act, under which so much discussion has taken place, clearly gives the cabinet the right to amend the decision made by that board. What have we said to the contrary in this instance? We have put the right to make the final decision, the Premier (Mr. Davis) has said and I have said, that the government will not overrule—

Mr. S. Smith: The minister can make the same statement about the Environmental Assessment Act, but he will not amend it.

Hon. Mr. Parrott: All of a sudden the Leader of the Opposition wants to be very picky about which part of the act he wants to apply. It is a very interesting, subtle point, but I am saying to the Leader of the Opposition in this particular instance we have said it will be an independent board. That may be what the member opposite does not like about this. He wants it to have the connotations that somehow or other we will carry that responsibility. I do not mind doing that. We have tried to do that very consistently, but I think it is time we realize what the people of this province have been saying pretty consistently, and that is they agree completely with the concept of a corporation to run the liquid waste facilities of this province. That is what we are establishing here. We are establishing a very broad spectrum. I think there are major significant—

Mr. S. Smith: The minister is a failure. That is what he is establishing.

Hon. Mr. Parrott: Not half as much as the Leader of the Liberal Party in his role. He will find that out in about three months.

Mr. Isaacs: Supplementary, Mr. Speaker: If the board of the crown corporation comes back to the minister in 12 months and tells him it has discovered that the site is not suitable for this kind of facility, then we will

not be just 12 months behind but 24 months behind, because we will have wasted a full year and be a full year further away from finding a solution than we should be today. Why does he not put the hearings under the Environmental Assessment Act so that all the options can be reviewed and we will be assured that, at the end of those hearings, we have not just a yes or no decision but a decision on what will be the best facility of Ontario and in the world?

Hon. Mr. Parrott: We have spent two years, indeed most of that two years and have been taking the advice of the standing committee and we have made many advances in the last two years in dealing with liquid industrial wastes. We had a very brief time to put that on the record about two weeks ago.

We have also scrutinized very carefully what was said during that emergency debate. After scrutinizing it to the nth degree we find that in the two and a half or three-hour period the opposition parties of this province were not able to come forward with one single, positive suggestion of how or where. There was not a single thing. It is nice and easy to be a critic when they never have to face the reality of knowing what it is all about, or where and how. They will always want that nice, comfortable position. That is why they failed to come to grips with the problem.

USE OF ASBESTOS IN SCHOOLS

Mr. Cassidy: Mr. Speaker, I have a new question for the Minister of Education, who assumed responsibility for questions with relation to asbestos in schools. Can the minister assure the House that in response to the directives on asbestos in schools, which she issued in July 1979 and in January 1980, the ministry now is aware of all possible asbestos hazards in the schools of the province and that no school children or school board employees now are at risk as a consequence of exposure to asbestos in our schools?

Hon. Miss Stephenson: Mr. Speaker, I cannot give that full commitment at this point, because I am not convinced right now that every single board has completed all of the investigation it should have. I believe there may be one or two boards that have not completed the investigation. It is my understanding that all of the remaining boards have.

Mr. Cassidy: Can the minister explain to the House why the Ministry of Education

has not actively and vigorously pursued the Windsor Board of Education? In May of this year, it reported not a single inspection having gone forward to the ministry, according to the ministry's own records. Despite assurances to the board trustees by the board officials, it now has been discovered that there were 26 schools with asbestos out of 44 that have recently been inspected. Board officials have been maintaining that they were not required to follow directives about asbestos inspection issued by this ministry because those directives were not law. Why has the ministry not been going after the Windsor Board of Education and how has it tolerated a situation where that board has been thumbing its nose at the ministry's directives?

Hon. Miss Stephenson: We most certainly have been asking boards to complete the examination as rapidly as possible. It is my understanding that the Windsor board has completed its examination.

Mr. B. Newman: Supplementary, Mr. Speaker: Where the caretaking staff and the union request a second opinion because they do not have confidence in the first opinion concerning asbestos in the schools, will the minister look into the request of the union for a second opinion to clarify whether asbestos in the schools is a hazard?

Hon. Miss Stephenson: Mr. Speaker, it is my understanding that in the circumstance described by the member the union itself has taken under its own responsibility the acquisition of that second opinion.

Mr. Cassidy: What action is the ministry now prepared to take in view of the fact that some schools in Windsor have shown asbestos as present and that in some schools in Windsor asbestos has been discovered, which was exposed in the gymnasium hanging from pipes and behind the backstop? When the asbestos problem in that community continues to be of that severity, what action is the minister now taking or prepared to take to protect both the school children and school board employees from what is a very clear present hazard?

Hon. Miss Stephenson: I would remind the honourable member that the responsibility for the provision of facilities for education at the local level is that of the board of education, duly elected by the local people. We have done a great deal to assist, encourage and persuade boards to carry out their responsibilities for the investigation of potential asbestos problems. Some of the boards have been a little slow to respond

and we have tried to encourage them to speed it up. We have done that. I believe we are now almost at the completion of that activity.

Most certainly we have been encouraging boards by telling them there was provision for funding to ensure that they completed the solution of their asbestos problems. In fact, most of the boards have done so. The local board of education, however, must take responsibility for that part of the activity which is theirs.

NIAGARA ESCARPMENT DEVELOPMENT

Mr. Cassidy: Mr. Speaker, I have a question for the Provincial Secretary for Resources Development, who is responsible for the Niagara Escarpment Commission. Can the minister tell the House whether the reports that emerged from the meetings of members of the Conservative caucus with people from the escarpment on Monday of this week are correct, and in specific terms can he say whether the statement by a former minister, the member for Burlington South (Mr. Kerr). "Let us get rid of the commission" is an expression of government policy, or is it still government policy to support the Niagara Escarpment Commission in its work of preserving the escarpment as a continuous natural environment?

2:40 p.m.

Hon. Mr. Brunelle: Mr. Speaker, the leader of the New Democratic Party knows very well that the Premier (Mr. Davis), myself and others have said we have a commitment to the Niagara Escarpment Commission. They are now ending their phase one hearings and the plan has been submitted to it and the plan is proceeding very satisfactorily. That is on record and there is no doubt about that. If the honourable member has a poor memory, I will be glad to send him copies of those commitments made in the Legislature and outside of the Legislature.

Mr. Cassidy: If that is the position of the minister, can he explain why it is that ministries of the crown have been acting directly contrary to that position with respect to the multimillion-dollar luxury condominium development at Epping Common in Euphrasia township?

In particular, can the minister explain why, after an initial rejection by the Niagara Escarpment Commission hearings, a representative of the Ministry of Industry and Tourism appeared at the appeal to support and express his ministry's support for the Epping Common development?

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few minutes, he would quickly realize that they are problems across North America and, thank God, Ontario does not even come close to the problems of other jurisdictions.

Mr. Cassidy: I cannot help thinking, Mr. Speaker, that the Minister of the Environment is part of the legacy of the past, and that is one of the problems we have with this government.

USE OF ASBESTOS IN SCHOOLS

Mr. Cassidy: Mr. Speaker, I have a question of the Minister of Education. With respect to her statement yesterday that she is prepared to rely on local school boards for the curbing of the asbestos problems in the schools, does the minister recall the directive that was sent to local directors of education in October, which said specifically that it is essential that all safety precautions be enforced when asbestos work is carried out and which referred specifically to work procedures, protective clothing, protective coverings for walls, the method of disposing of asbestos and the use of warning and danger signs and the final building cleaning procedures?

Given that the Windsor Board of Education has now admitted that it did not follow those recommended procedures and has said that it sees the directives only as guidelines and not as being things it has to follow, will the minister now admit that her reliance on local school boards, like Windsor's, may be endangering the health and safety of school children and of school board employees in areas where asbestos is present?

Hon. Miss Stephenson: Mr. Speaker, after two and a half years of dealing with the elected representatives in the school boards of this province, I cannot agree with the kind of innuendo the leader of the third party is making. The vast majority of school trustees in this province are extremely responsible human beings. They do not seek that job for personal glory. They seek it because they are interested in children. I do not believe I could ever support the kind of statement the leader of the third party has made.

I believe that in Windsor, that board will be making, if it has not made already, concerted efforts to deal appropriately with the problem of asbestos following the guidelines produced by the Ministry of Education.

Mr. Cassidy: The Windsor Board of Education has admitted it did not respect the guidelines that were laid down by the minis-

try. The union tells us there is a series of violations; quite specifically almost every one of the directives has been violated. The Ministry of Labour's occupational health division states that even a very brief exposure to asbestos may cause mesothelioma 30 or 50 years later.

Given those facts and given the danger that school children and school board employees are put into, does this not indicate that the asbestos program should be supervised by the provincial government rather than being delegated to local school boards? Then the minister says, "Well, it is not my responsibility, it is the responsibility of the school boards."

Hon. Miss Stephenson: Mr. Speaker, I think I said very early that it was a shared responsibility and one I assume because I feel it is important. However, I do hope the leader of the third party is very much aware that he has been living with natural asbestos as a result of the structure of the earth on which he lives for all of his life.

Mr. Mancini: Mr. Speaker, I would like to ask the minister if there is some confusion over this very important matter of asbestos in the schools and how it is affecting the children in the schools, why does she not contact the Windsor Board of Education and get a very clear overview of what it has done or not done and report back to the House? Or, since the House is going to adjourn, the minister could possibly write to the members for the Windsor-Essex county area and inform them of exactly what has or has not been done, and whether she is satisfied with all the precautions, investigations and circumstances that have surrounded this matter and have taken place since she issued this particular order to all the boards.

Hon. Miss Stephenson: Mr. Speaker, approximately three weeks ago I did have an opportunity to discuss this matter with representatives of both boards in Windsor. I was assured the procedures had been followed with some care. I can most certainly double check that report which I received.

Mr. Bounsall: Mr. Speaker, supplementary: Could we have a firm assurance from this minister that she will thoroughly investigate what happened in Windsor—that they did not follow her guidelines—and what training they gave to the one employee whom they sent out to do some checking, so that the people of Windsor can be assured that the proper checking will now occur and that the students and the workers are not being exposed to asbestos, particularly in as much as, incredibly, the Windsor Board of Education

has now disciplined the employee who did the initial checks for it? They gave the employee virtually no training in testing or in what to look for, and did not provide that employee with the required safety equipment.

Hon. Miss Stephenson: Mr. Speaker, it is the same question. I think I have already answered it.

EMPLOYMENT AGENCIES

Mr. Cassidy: Mr. Speaker, I have a question for the Minister of Labour about the enforcement of the Human Rights Code for people who are looking for jobs.

Can the minister explain why, despite the provisions of the Human Rights Code, seven of the 10 employment agencies that were contacted a few weeks ago by the Canadian Civil Liberties Association here in Metropolitan Toronto were prepared to discriminate against nonwhites, and only one of the 10 agencies refused to do so? Will the minister tell us what action the government is now prepared to take in order to eliminate that outrageous abuse of civil liberties in Ontario?

Hon. Mr. Elgie: Mr. Speaker, first of all, I think the member and the House should know that this is a matter that has concerned me and has concerned the Ontario Human Rights Commission for some time.

11 a.m.

I think it was three or four years ago that the Canadian Civil Liberties Association first conducted a survey in which it found the kind of information to which the member is referring. The problem then, as is the problem with the most recent information, was that they themselves admit it was obtained by what is called an entrapment technique and is not therefore deemed by them, as well as by us, to be the kind of way one can go about proving this. That has been the problem all along. How do you find accurate ways of auditing the practices of certain employment agencies when the records that are kept are very sparse? There is just not enough there to check and confirm the charges.

We had an independent review carried out last year and about four or five months ago the director of the employment standards branch spoke to the employment agencies association indicating to them that these practices were unacceptable and that we would be proceeding with a method to try to give us the means of countering it. That is what we are now in the midst of doing. It is necessary for us to have infor-

mation on employment agencies so that we can audit and determine whether or not there have been offences under the Ontario Human Rights Code and more significantly, under the Employment Agencies Act, because that is where the licence is issued and that is where it has to be revoked.

Mr. Cassidy: Could the minister explain why it took five years of complaints and repeated surveys by the Canadian Civil Liberties Association determining that there is a problem of major proportions, that it continues and that there is habitual readiness on the part of employment agencies to screen out nonwhites when they deal with people who are job applicants, and when the problem has been there for so long, why has the ministry come to grips with it only in the last few months?

Why is the minister not prepared to require a monitoring procedure by the Human Rights Code and to amend the Employment Agencies Act in order to ensure that employment agencies have to produce the information on which monitoring can be based?

Hon. Mr. Elgie: Let me reiterate that it is easy to say it is going on. I happen to think there is good substantiation of that, but even the Canadian Civil Liberties Association agrees that the method by which it obtained that information is not acceptable for human rights decisions nor for some decisions under the Employment Agencies Act. It is information obtained by entrapment. Let there be no doubt that it is this government's intention, it is the Ontario Human Rights Commission's intention and it is my intention as the minister in charge of the Employment Agencies Act to correct that situation.

Mr. Cassidy: Would the minister not agree that if the best technique of determining whether or not employment agencies are prepared to accept discriminatory job listings is in fact to phone them up and to ask them, and if that practice has repeatedly indicated that willingness exists, then should the employment agencies not be told that technique will be used in the future and be warned that that technique will be used?

And should not the human rights commission start a program of going out, rather than waiting for complaints, which by their nature, can never be filed because job applicants never know whether or not employment agencies are actively discriminating? Why can we not tell the employment agencies that we are going to do this and then go ahead and curb this practice now?

SUBMISSION

OF THE

ENERGY AND CHEMICAL WORKERS UNION

TO THE

ROYAL COMMISSION ON MATTERS OF

HEALTH AND SAFETY ARISING FROM

THE USE OF ASBESTOS IN ONTARIO

JANUARY, 1980

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INTRODUCTION

The proliferation of new chemical substances in the workplace has raised the fears of many groups and individuals because of the failure of both government and industry to identify and deal with the dangers of exposure to these substances. It is only after the fact, when deaths and illness start to surface, that movement toward regulation begins. Those who have been affected by such exposure are, for the most part, left to bear the social and economic burden inflicted upon them with little or no assistance from either industry or government.

The history of the introduction and use of asbestos in the workplace is a graphic example of the tragic consequences of this approach to the regulation and control of toxic substances. For over 80 years workers have suffered the effects of asbestos in their workplace, while the industry, with little regulation, continued to prosper. It is our intention to relate to this Commission and the public the magnitude of this human suffering. The purpose of this Brief is not simply to attract sympathy for the victims of

asbestos-related disease, although there is no doubt that these people are in dire need of assistance. The issues at stake are broader than that.

Industry in this province and elsewhere seems to have been granted an unfettered right to inflict pain, suffering and even death upon its employees with impunity. This right has been recognized by government, which has done very little to protect workers from becoming human guinea pigs to be sacrificed in the pursuit of profit. Workers will no longer continue to make that sacrifice nor should they be expected to. The province cannot continue to stand by passively, confining its role to picking up some of the pieces after the damage is done.

This Commission will be listening to and reading a conglomeration of information, from the scientific community, from corporations associations, and unions involved in asbestos mining and production. Much of this evidence will be contradictory, research studies will have differing

results, memories of historical events will vary. A lot of what you will hear is irrelevant to the real question which this Commission must address, and that is whether any one individual, corporation, or government has the right to inflict the kind of pain, suffering and death on human beings that you will be reading about in the following pages. If the Commission fails to answer this question, it will be condoning all that has happened in the past, and will be sentencing untold numbers to the same fate.

USE OF ASBESTOS - GENERAL HISTORY

Members of Energy and Chemical Workers Union, Local 26, at Johns-Manville in Scarborough, have expressed to this Commission their impatience with the slow progress of the Commission.

A fourteen-month wait to have Briefs heard, and a 2-1/2 year delay in reporting, with government action even farther down the road, confirms to us that the Commission is a delaying tactic for a government that would not move. When public concern about the dangers of asbestos could no longer be ignored, it established a Commission. We feel that the Commission is redundant. Enough is known about the dangers of asbestos that the government could today protect the lives of all who may suffer from exposure.

For many workers in Ontario, asbestos has created a life and death situation. Some of the employees of Johns-Manville, attending and speaking at these hearings, will die of asbestos-related diseases. A few know now they are dying because of it. A two-year delay is intolerable to someone who is dying. And, as you will hear in the medical and scientific evi-

dence, mesothelioma and lung cancer, effects of exposure to asbestos, not only kill almost always, but kill quickly -- often within six months of discovery of the disease. So you see that many of the people who have been directly affected by asbestos do not have time to wait for the ponderous motion of a Royal Commission.

Asbestos has been in use for thousands of years and knowledge of the effects on the people who work with it have been around equally as long. It was known by Egyptians that people who wove the magic fibre into garments for the Pharoahs died from "shortness of breath" disease.

A more detailed outline of the history of the struggles of workers, governments and corporations over the control of asbestos will be covered in the Brief being presented to this Commission by the Ontario Federation of Labour. We will be discussing some of these events briefly, inasmuch as they affect the use of asbestos in Ontario.

Ironically, Mr. Henry Ward Johns, the founder of the Johns-Manville Corporation, died in 1898 of dust phthisis pneumonitis.

While detailed physiological effects of asbestos exposure were not known in great detail in Mr. Johns' lifetime, it was known that asbestos killed. The first autopsy on a man with asbestosis was done by Dr. H. Montague Murray in London in 1899. In 1911 a British workplace inspector recommended improved exhaust ventilation in asbestos factories. She commented that the disease was not likely to be a problem in the future because the workplace would be cleaned up now that the problem was known. In 1918 evidence of the disease appeared in the United States, and life insurance companies would not give coverage to asbestos workers. In the same year Dr. Pancoast of Philadelphia found abnormal x-rays in people suffering from asbestosis.

As the use of asbestos grew by leaps and bounds, the scientific knowledge expanded as well. By the mid 1930's a relationship between lung cancer and asbestosis was suspected. Studies were imple-

mented. Dr. Dreessen recommended dust counts on the basis of a study he did in North Carolina for the U.S. Public Health Service. His recommendation was similar to that of the British Inspector in 1911, slightly more specific "if asbestos dust concentrations are kept below this limit, new cases of asbestosis will not appear." Dr. Selikoff has checked to see what dust levels were like in the 20 years after this recommendation -- no dust counts were done.

Explicit and uncontroversial or 'definitive' scientific data was not needed in the first 20 years of the modern asbestos industry to know that it was essential to clean up workplaces to prevent death and illness. Since an effective ventilating system and efficient housekeeping techniques were not implemented at Johns-Manville in Scarborough until 1974 and 1975, one can argue that the men who worked there were working in conditions only slightly better than in the English asbestos factories in 1899.

Because the industry has been aware of

the dangers of asbestos since the turn of the century, and did not take effective action until the 1970's, and then only when unavoidable, their presentation on the scientific evidence available for standards, threshold values, lengths of exposure, is highly suspect. They are not interested in the health of their employees, but in the maximization of their return, as seen in their ever increasing profits.

As is shown by court decisions against asbestos manufacturers in the United States and in Congressional Hearings into their actions, their claims that they have been responsible corporate citizens is not true. In Clarence Borel v. Fibreboard Paper Products Corporation et al, heard in the United States Court of Appeals, September 10, 1973, the evidence was clear:

"To begin, we note that the disease of asbestosis is cumulative. Thus, both Borel's earliest exposure to asbestos dust, occurring in the late 1930's, and his most recent exposure, occurring in 1968, could have contributed to his overall condition. The defendants' failure to warn of the dangers of the exposures occurring in 1968 may have resulted in an actionable injury to Borel. But even if it is assumed

that Borel's condition was attributable principally to his earlier exposures, the defendants argument still fails since there is ample evidence in the record that the danger of inhaling asbestos, including the disease of asbestosis, was widely recognized at least as early as the 1930's. An expert witness, Dr. Hans Weill, testified that prior to 1935 there were literally "dozens and dozens" of articles on asbestos and its effect on man. Dr. Clark Cooper, an expert witness for the defendants, stated that it was known in the 1930's that inhaling asbestos dust caused asbestosis and that the danger could be controlled by maintaining a modest level of exposure. Dr. Cooper testified as follows:

"Q. The state of knowledge in the 1930's, let's say, in your opinion was asbestosis as a disease known about and recognized as a danger caused by inhaling asbestos dust?

"A. Yes.

"Q. And would you say that would have been rather common knowledge known in the 1930's?

"A. Yes, I would say that. The answer to that would be yes."

"As stated in our recital of the facts, several studies published during the 1930's and 1940's reported the danger to asbestos plant workers and others exposed to asbestos dust and urged precautionary measures to eliminate hazardous concentrations. The American Conference of Governmental Industrial Hygienists, beginning in 1974, issued guidelines suggesting threshold limit values for exposure to asbestos dust. Even the Fleischer-Drinker report in 1945, relied on by the defendants, cautioned that exposure to high concentrations of asbestos dust could cause asbestosis and recommended the use of

ventilation and respiratory protection devices.

The evidence also tended to establish that none of the defendants ever tested its product to determine its effect on industrial insulation workers. Nor did any defendant ever attempt to determine whether the exposure of insulation workers or others to asbestos dust exceeded the A.C.G.I.H.'s recommended threshold limit values, or indeed, whether those standards were accurate or reliable."

It is obvious that their responsibility does not extend to their employees.

People are losing their lives because of corporate irresponsibility. In Scarborough alone, 39 men have died.** This is a crime and it is time that it be recognized as such. Harry J. Glasbeek, a Professor at Osgoode Hall Law School in a paper *Are Injuring and Killing at Work Crimes?* says:

"If the physical onslaught which takes place in the work place occurred outside the employer-employee environment there is no doubt that society would use the most formidable tool it has to stop such attacks: it would use the criminal process and treat offenders as social pariahs. Prosecution under the criminal law of employers for the harm they do to workers rather than reliance on existing safety and health regulatory scheme would characterize the conduct of such employers as an unjustifiable preference for unregulated

** } Ontario Workmen's Compensation Board statistics, April, 1980. Other deaths have been certified by the WCB since then. We know of at least 40 other deaths which need to be investigated.

profit over the well-being of human beings who are, after all, very important in the garnering of such profits."

The legal system in the United States differs from that in Canada as does the occupational health legislation, so that the two systems cannot be directly compared. However, at last report, late in 1980, there are 3,000 lawsuits now pending in the occupational health area against companies. Johns-Manville claims that legal costs to the company (not including insurance carrier costs) were \$2 million in 1979, not a back-breaking sum for a company with 1979 asbestos sales over \$168 million and earnings over \$56 million. They claim that lawsuits will not have an adverse effect on company finances as "appropriate reserves" have already been established to cover most of the anticipated costs of such suits.

In spite of the drain of asbestos-related production from North America over the past few years, and the number of expensive lawsuits the Company is facing, Johns-Manville continues to make near record sales and earnings. Johns-Manville has the ability

to pay for the legacy of the past and they must be forced to do so.

THE USE OF ASBESTOS AT
JOHNS-MANVILLE SCARBOROUGH PLANT

The Scarborough plant of Johns-Manville
started producing asbestos-cement pipe and rock
wool insulation in 1948. Fibreglass has since
replaced the rock wool production and the asbestos
pipe section was recently closed down. Johns-
Manville has employed over 5,000 people in the past
32 years.

Johns-Manville may make representation
to this Commission that they have behaved responsi-
bly. even generously, towards their employees in
Ontario. The very creation of the Scarborough plant
is proof against that.

When the Company built the plant, it
was well aware of the extreme dangers of asbestos,
and they knew that good ventilation and house-
keeping techniques were the best ways to decrease
exposure. The technology was certainly available
to reduce dust during production.

Here was the perfect opportunity for
Johns-Manville to act in a responsible manner and
build into a brand new plant adequate ventilation
systems, vacuuming and wetcleaning systems,

automated mixing equipment, shower and locker facilities. The technology to do the foregoing was available. They did none of it.

Dust conditions in the first years of operation were extremely heavy. Asbestos came into the plant in sacks which were hung on nails, slit open and pounded with a mallet until the loosened fibres fell onto a belt to be moved on for further processing.

Until 1956, three men on each shift mixed asbestos fibres, silica and cement together manually to be fed into the pipe forming machines. Conditions were so dusty, that the men couldn't see six inches in front of them. Sometimes they couldn't identify men who were working beside them because of the blizzard conditions.

During the years that these conditions prevailed, the men knew that the dust was affecting both the men and their families. Many developed a 'tight chest' where they felt as if

they had a metal band around their chest. Nausea was experienced by many. In fact, in dustier work areas it was a regular occurrence for the men to vomit shortly after starting to work each day. Others developed uncontrollable choking or coughing reactions.

Men came home from work, the wives report, with asbestos in every seam of their work clothes, in the creases of their skin, and in their hair, and eyebrows, ears, heaped like snow. One woman bought surgical scissors and a magnifying glass to remove fibres imbedded in her husband's skin and her children's feet. Another family built a little changing shed behind the house where the man could change his work clothes and not bring the dust into the house. One employee, now dead, purchased used clothing and discarded it daily. Several families report that their children developed coughing and nausea when the men started work at Johns-Manville, and that these symptoms subsided when work clothes were changed outside of the house.

What did the Company do to control this
excess dust? Well, there were six showers for

about 250 asbestos workers at that time. The ventilation system was hopelessly inadequate in the 1950's. A second ventilation system was installed in 1966-67, but a Union President, Charlie Neilson, says it was overloaded within six months. Replacement systems were installed in 1969 and 1971-72, but there was no change in the amount of dust the men brought home on their clothes and bodies.

One man said that the Company's response to Union requests for ventilation was to paint over the windows of the plant so that the rays of the sun wouldn't accentuate the cloud of dust in the air.

John Dodds, who started working at Johns-Manville in 1952 and who is now dead from asbestos-related diseases, said "The Company never mentioned health hazards. As a matter of fact - I used to be on the Union Executive a couple of times - whenever

you asked about asbestos they (the Company) used to shut you up as fast as they could because they didn't want to get involved in that."

Many of the men still working at the plant remember when the pump from the slurry settling tank to outside settling ditches was not working. One of the men had to jump into the ditch to unclog the pump. He came up covered from head to toe in the brown asbestos slurry.

This waste slurry was pumped outside to a marshy area some distance from the plant. Ministry of the Environment officials picked up high asbestos readings in the water table there and, eventually, confiscated the land to force Johns-Manville to stop dumping there. The Company then started drying the sludge in three large holding areas. A worker drove a bulldozer over the dried sludge to break it up (with no protection for driver or neighbourhood), and then piled it outside the plant. Those piles are still there - three stories high.

Masks were made available to the workers if they wanted one, but they were not required. As a matter of fact, the Company maintained that you didn't really need one, according to Charlie Neilson. The masks that were provided were hopelessly inadequate - cotton gauze masks or air filter type masks. It did not supply fresh air supply respirators called for by most experts.

In 1971, Dr. Irving Selikoff came to Ontario at our Union's request to discuss his research. On the basis of his findings to that time, he predicted that we would be facing a disaster at the Johns-Manville plant. The Company called him an alarmist. The dictionary describes a "disaster" as "an event that causes much suffering and loss". We know that the families of the 39* dead and 123 ill people who are living on compensation call this a disaster. So should Johns-Manville.

During contract negotiations between 1965 and 1974, the Union put forward the following

* Figures from the Ontario Workmen's Compensation Board. We believe they are much higher.

health and safety demands:

- lowered dust levels
- a double locker system (to prevent exposure of family through work clothes)
- decent shower facilities
- better ventilation
- proper maintenance procedures
- more covers on the machines
- a health education program for plant workers
- banning of blue asbestos from the production process

The Union was unable to move the Company on any of these demands. The Company argued that the three deaths of Scarborough Johns-Manville workers up to 1971 were the result of exposure prior to 1956. Mr. G.P. Loubert, Plant General Manager, sent a letter to employees during the 1971 strike. He stated,

"It is true that three long-term employees have died and that the WCB (Workmen's Compensation Board) has named "asbestosis" as a contributing factor. We are of the opinion that the disease was contracted in the early years of the plant's opera-

tion when the working conditions, from a dust standpoint, were certainly not as effectively controlled as they have been for the past 15 years. We do not believe that any new cases have developed since the improved dust controls have been in effect."

Ten years later, with 39 employees dead and 123 ill, here is what Mr. Paul Kotin, Johns-Manville's Senior Vice-President, Health, Safety and Environment, says:

"Exposure to excessively high levels of asbestos fibers in the air, as observed decades ago prior to establishment of standards and installation of engineering controls and the development of appropriate work practices, has resulted in asbestos-related disease. This is in marked contrast to current levels of exposure."

From Today,
Vol. 2, #3, 1980

And life goes on. . . at least for Kotin and Loubert!

We have seen how, at the Scarborough plant, Johns-Manville obscured the issues of asbestos exposure by:

- denial of danger (days of high exposures are past)
- smoke screening (smoking is really the hazard)

- 'lord knows we tried' arguments
(we've cleaned, ventilated and
tested, take our word for it.)
- corporate paternalism - we will
take care of you (we know what is
best.)

It is quite clear that Johns-Manville was very aware of the dangers of asbestos even before the Scarborough plant opened. Evidence recently brought before the U.S. Congress and several U.S. Courts shows that Johns-Manville had recognized the relationship between asbestos exposure and asbestosis and lung cancer in the 1930's. In 1949 the Company's medical officer from Asbestos, Quebec, stated that the Company maintained a policy of not telling its workers they were suffering from asbestos-related disease until they became physically disabled.

Johns-Manville claims credit for voluntarily introducing warning labels on its U.S. products in 1964. But the Canadian story is different. In the mid-1960's, employees in Scarborough were

instructed by the Company to remove or cover warning labels with paint when using U.S. boxes for thermo-bestos pipe covering. The Union challenged this instruction, but the Company continued the practice, arguing that they were not compelled by Canadian law to use warning labels. More recently the Asbestos International Association (of which Johns-Manville is a major participant) attempted to withhold labels on asbestos shipped to some countries for fear of "possible negative influence on sales". So much for cautioning those who live outside the U.S.A.

Where was the Ontario Government when all of this was going on?

Eighty - Eighty-five percent of the government and Company fibre level tests were above the Threshold Limit Value (TLV) according to the results finally obtained by the Union in 1970. To this date, Johns-Manville has never been charged with exceeding exposure levels.

The government did not take the responsibility of informing the Company of changes in the

TLV. For example, the Ministry of Health changed the TLV from 5 f/cc to 2f/cc on January 1, 1972. Johns-Manville was not officially informed until June, 1974. And how seriously did Johns-Manville listen to government regulation? Even after the official notice, and several government inspector reports mentioning the new TLV, the Company's Annual Industrial Hygiene Survey published January 10, 1975, still listed the TLV as 5 f/cc.

How seriously did the government take its responsibility of protecting its citizens, the employees of Johns-Manville? It would appear that the Company controlled the government's policy-making decisions about asbestos exposure. On February 6, 1975, in the Toronto Star, Dr. Vern Tidy of the Ministry of Health, Occupational Health Branch, stated that the Company has been aware of the problem for many years, but that "they maintained they needed blue asbestos to strengthen their product." The next day, Dr. Joseph Crowle, Chief of the Industrial Chest Disease Branch of the Ontario Ministry of Health said, in the same newspaper, "One would have to be blind not to admit

that it's blue asbestos that's the villain." To this day, the government is still fooling around trying to make a decision about blue asbestos. They are now proposing a standard of .2 f/cc, not even the lowest level technically feasible. In spite of the fact that they know about the danger, they continue to allow the Company's "need" to control government regulation decisions.

In 1975, Energy and Chemical Workers Union (then International Chemical Workers) in co-operation with Stephen Lewis, then leader of the Ontario New Democratic Party, made an issue of the effects of asbestos on workers in the Legislature. The government responded by saying that levels of exposure were quite satisfactory, and that Unions should take a large part of the responsibility for avoiding health hazards. The efforts to regulate blue asbestos show that in fact the Union was the only party involved taking responsibility for the health of the workers.

On February 5, 1975, in the House Standing Committee on Resources, Health Minister Frank Miller,

in response to an attack by Stephen Lewis, said that his Ministry's officials were satisfied that there was "no current health problem" at Johns-Manville. He suggested that "conditions within the plant in the main are meeting our environmental standards." February 13, 1975, Mr. Miller and two of his cabinet colleagues toured the plant. They told reporters they were satisfied that the Company and the Union were doing their best to safeguard workers. November 14, 1975, the Ministry of Labour made the statement noted above about Union responsibility, adding that workers would be at no risk at all if only they would use respirators. Throughout the public debate that year, the government continuously made statements supporting the Company. In fact, in spite of their statement about respirators, no effort was made to enforce the use of respirators until 1977, and then it was because of the involvement of the Scarborough Board of Health!

The Company's attitude during this public debate was one of feigned innocence. Their spokesman, Tom Patterson said, on February 6, 1975, to the Toronto Sun, "We (the Company) must be meeting

all government requirements or they wouldn't let us operate". In fact, a report on tests taken in November, 1974, tabled in the Legislature by Stephen Lewis, showed 20 of 35 readings above the 2 f/cc guideline. According to Charlie Neilson, the Ministry of Labour had issued six directives to Johns-Manville in the year up to February, 1975, but they were not acted on.

The failure of the Workmen's Compensation Board to be responsible to the public it serves was obvious in its dealings with Johns-Manville employees. We will be discussing with the Commission the role of the Compensation Board at a later date.

On February 5, 1975, Stephen Lewis told the Workmen's Compensation Board Chairperson, Michael Starr, that, rather than acting as "just a mechanical repository for claims", the Board should correlate claims figures and report them publicly where a pattern of occupational disease seems to be emerging. Believe it or not, almost six years later, the Board still does not keep

aggregate medical information about occupational cancers. Also, it is difficult to obtain the information they do keep, in our case, on asbestosis.

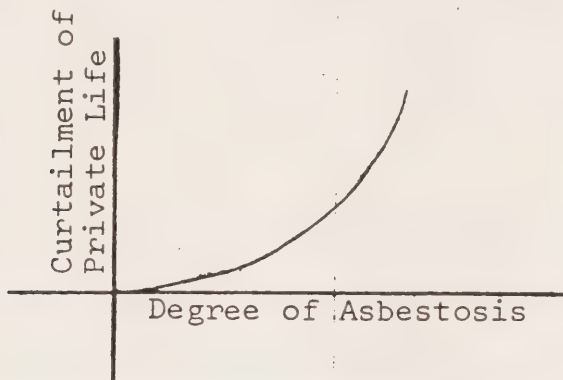
When preparing this Brief, we were told that the information was for employers only. We did obtain the information, after pointing out that it had become public knowledge in the Legislature last April. Rather than acting on behalf of workers and the public in alerting them to dangerous occupations and careless employers, it acts as a repository of privileged information, and as an ineffective and inconsistent insurance agency.

EFFECTS OF ASBESTOS EXPOSURE
ON EMPLOYEES OF JOHNS-MANVILLE
SCARBOROUGH PLANT

We can say unequivocally that many of our members have become more expert at diagnosing asbestos-related symptoms than the medical establishment. Many times a man knows he has asbestosis, but is unable to get medical confirmation. His family doctor is not expert in occupational diseases, the Ministries of Health and Labour and the Workmen's Compensation Board minimize the seriousness of symptoms or simply attribute them to "minor dust effects". These men have pains in their chest, can't catch their breath after the slightest effort, and they have seen many others before them fall with the same symptoms. But not to worry, they are fine, fine, fine.

To this day the workers are not told the meaning of the numbers on their x-ray cards. They have learned from bitter experience that if the number increases, so do the symptoms; and, if they go past a certain level, they should ask because it means trouble. As we have seen, the Company does not tell a worker anything until he is physically disabled.

The men can also tell they are developing asbestosis because of the direct effect the disease has on the quality of their personal lives. A graph of the relationship between work and their private lives would look like this:



This graph has no numbers because the disease affects each individual differently. One man with 15% disability may have some difficulty breathing on exertion. Another man classed as 15% disabled may need oxygen to survive and be unable to work.

Men have told us that the development of the disease is insidious. At first you may look for flatter hunting ground -- you can't climb the hills without losing your breath and chest pains. Then the second floor of your house becomes less

accessible. And one man, a first-time grandfather, told us he had to stop playing airplane with his grandson because of pain in his chest. The saddest part is that the men gradually start cutting themselves off from people around them. They feel they are turning into chronic complainers, and start keeping the pain and worry to themselves.

During these early stages of disease,
most men affected continue to work for two reasons:
first, they have never been informed of the
results of continued exposure; second, they have
no financial alternative.

When asbestosis develops further, as it does with many of these men, especially with their long and heavy exposures to asbestos, a new set of problems arise.

As asbestosis progresses it results in
non-malignant respiratory diseases such as heart
disease and chronic lung conditions. In spite of
scientific evidence and evidence found in the
workers at Johns-Manville, our Workmen's Compen-

sation Board has not accepted any such claims.

They are often unable to continue working, which means they must make crucial decisions about whatever remains of their lives and about the lives of their children and wives. If they choose to fight for a 100% W.C.B. pension (and it means a fight -- most claims to the Workmen's Compensation Board take 6 - 12 months before an initial decision is made about asbestosis. Decisions about cancers take about the same time, but since the man often lives only a short time, a pension isn't available until near or after death), they must leave work, giving up extended medical benefits at the time they need them the most. They have to take reduced life insurance just when they must come to terms with the fact that their families may need it soon. On the other hand, if they remain working at Johns-Manville, the Company is glad to keep them on as they remain minor cases in the records.

One man drove to work, went from car to plant on an electric golf cart -- he was so incapacitated he could not walk that far.

The men we talked with experienced a mixture of anger because they were facing an inability to support their family, and frustration because there was no way out. They knew they had little or no chance of getting fair compensation. A man who gets a 50% disability pension is likely immobilized or near death, and has to live on 50% of his salary with no extended medical benefits.

When you have been off sick for six months, the Company gives you three days' notice that you lose all benefits, insurance, and seniority if you do not return to work. As one man said, "I lost everything I had worked for all my life at 44 years of age with no hope of recovering it."

Gord McIlwain, who was the Union Business Representative in the 1960's, said it was usual practice for workers to be off for six months with bronchitis or emphysema (Company doctor euphemisms for asbestos), return to work for two or three days and then be off for another six months.

One man, suffering from "dust effects" describes how the mood changes in the plant.

"Sometimes we hear someone died, and everyone is sad. Next time a guy dies, no one wants to hear about it. They want it to go away. They are overloaded with deaths."

If Company Presidents could only carry this unavoidable fear for just one day then maybe this nightmare would end.

Another effect of developing asbestosis is the change it brings in family relationships. Some men turn away from their families because they don't want the family to carry the burden. Other men turn to their families for the support they need. But inevitably the quality of life must change. Men often can no longer make love to their wives; they cannot play with their children; they cannot participate in an active social life. They are reduced to sitting at home, often taking all weekend and evenings to recuperate from work which they cannot afford to give up. One woman told us that her husband really died when he had to give up his bowling. He clung to that for as

long as he possibly could, even though it had become just a visit with friends -- his last remaining "normal" activity. Once he gave it up, he went downhill rapidly. He was 52 years old when he died.

There comes a time when the men know they must die -- of severe asbestosis or cancer.

The fear of cancer amongst workers is all-consuming. They know that their friends usually die within six months of diagnosing the disease. We have seen many cases where the man who was ill sensed what was wrong, but the diagnosis was not confirmed until the autopsy report. Even when a man is dying he often cannot find out the truth and must die without knowing if his wife and family will be cared for. If you must die of asbestosis the agony is more prolonged. Once the diagnosis is made and accepted, you usually live out your life on a meagre pension.

While no cases of suicide have come to our attention, a survey of mortality patterns among workers employed in a U.S. asbestos textile plant by R. Lerner and John M. Dement showed a significant increase in suicide rates. In a cohort of 3,276 workers they expected 17.1 suicides amongst white males and found 30. This comes as no surprise. The stresses that our society puts upon these workers would make most of us crumble.

As asbestosis develops, so does mistrust. Mistrust of the medical experts who claim shortness of breath is normal after walking to the bathroom. Or, who say everything is fine one month before you die of cancer. Or, who tell you that this month you are disabled 40% due to asbestosis when six months ago you were all clear. Mistrust of medical experts develops when the doctor says your lungs are normal and the technician says the only tests she has seen which were worse were taken on a man who died the next day.

Mistrust of the Workmen's Compensation Board develops when they classify you as 15%

disabled but you need four tanks of oxygen a day to survive. Or, when they notify your friend a year after his application that he qualified for rehabilitation, but he dies a week later of lung cancer. Mistrust develops when a widow goes before the Board with three independent and respected doctors' opinions that her husband's death was due to asbestosis and the Board denies the claim.

Men who work at Johns-Manville always remain apart. They don't often like to talk about their experiences with anyone, even their wives. One man told us he feels that he is carrying a time bomb inside, with a fuse of unknown length. Wherever they go, or whatever they do, people who have worked at Johns-Manville must carry the consequences of that reality with them. There is no escape for these men.

We have found through our interviews that for many people who work at Johns-Manville, what should be some of the best years of their lives turn into a living hell because of the time they spent exposed to asbestos.

In their forties and fifties, these men should be enjoying their growing families, the homes that they have established, the financial security and seniority that they have built over their lifetime. They have established themselves in the community and with friends. They should be looking forward to many years of living. Instead, they must face a regression in the quality of life, loss of pride and dignity as they try, often unsuccessfully, to prove that they are ill and unable to work.

RECOMMENDATIONS

This Union recommends that the following steps be taken immediately to protect people against the hazards of asbestos in the future and to adequately compensate those who have already suffered because of their exposure to asbestos:

1. That the use of all types of asbestos be banned in Ontario.
2. That all substitutes for asbestos be pretested for toxicity and that engineering controls and safety regulations be in place before use of the substance in the workplace, in order to reduce exposure to the lowest achievable level.

A medical management section of
the Ontario Ministry of Labour be
established to monitor the health of
all people who have worked with
asbestos in Ontario. Workers registered in this program shall be monitored for asbestos-related disease. Time spent by a worker in

this program shall not involve any loss of wages or out-of-pocket expenses. All medical information will be made available to the individuals concerned. Rates of death and disease will be made public yearly.

4. That a compensation mechanism separate from the present Workmen's Compensation Board, which has proved itself incapable of meeting the needs of asbestos workers, be established by the Ministry of Labour for all who are now suffering from asbestos-related disease or who develop such diseases in the future. The costs of this compensation system will be shared by the Ontario Government and the companies involved because of their shared responsibility in the illnesses and deaths of these workers.
5. That workers suffering from asbestos-related diseases and widows of asbestos

victims be compensated at the
rate of the Statistics Canada Average
Industrial Wage, to be increased
annually.

6. That procedures for the safe removal of asbestos from the workplace, as detailed in the Brief from the Ontario Federation of Labour to this Commission, be immediately implemented and monitored by the government.
7. That the government acknowledge that companies which knowingly inflict industrial disease on their workers are guilty of criminally culpable conduct and that criminal sanctions ought to be pursued and imposed upon those who are responsible.
8. That all workers exposed to asbestos
be given the following information

on an annual basis:

- government and company exposure data
- scientific and technical information developed by company or government about asbestos, its effects, its control
- a copy of their own unexpurgated medical records
- numbers of workers ill or dying from various asbestos-related diseases, on a plant-by-plant basis.

9. That a public review panel, including medical experts, independent of government and companies, be established to review all medical histories of all claimants who have applied to the existing Workmen's Compensation Board for compensation of asbestos-related diseases or deaths.
10. That workers not be used as involuntary experimental subjects in the

testing of workplace substances.

The burden of proof is not with workers, whose only evidence must be the sick, the dying and the dead. We recommend that a company be required to prove that a substance is safe before workers are exposed to it in the workplace.

If human testing is required, the executive offices are the place for that testing. If Johns-Manville claims that 2 f/cc of asbestos is a safe level of exposure, then the workplace should be cleaned up, and the excess dust piped into the executive offices until a level of 2 f/cc is reached. Government and industry researchers can then observe rates of illness and death amongst this experimental group in 20 years.

All of which is respectfully submitted.



Robert W. Stewart,
Secretary-Treasurer.
Energy and Chemical Workers Union



Construction Safety Association of Ontario

74 Victoria Street, Toronto, Ontario M5C 2A5 • (416) 366-1501

January 23, 1981.

Dr. Stefan Dupre,
Chairman,
Royal Commission on Asbestos,
180 Dundas Street West,
22nd Floor,
Toronto, Ontario.
M5G 1Z8

Dear Dr. Dupre:

I want to thank you and your Commission for the opportunity to present this Brief.

Because it is probable that Ontario's construction industry will have the task and responsibility of improving our structures and facilities to meet future guidelines regarding asbestos, we consider it important to alert you to some of the problems we see.

Of major concern to the industry is the problem of identification of the presence of asbestos in projects being undertaken and the resulting contractual problems if identification is made after the work is begun. There is also the associated question of industry capacity and capability in meeting stringent specifications without over-exposing the work force and within cost estimates.

We are also concerned over the fairly common misconception that traditional forms of exposure control will work in construction. This industry is radically different from "fixed location", "fixed process" industry where the standard control procedures were originally developed.

We have attempted in our Brief to raise issues and provide you with suggestions for involvement as opposed to forming intractable positions and convincing you of their merit.

January 23,

- 2 -

es, as one of its Appendices, a
d for us by Concord Scientific
estors Disposal". The topic is
r industry and to the environment
We also believe it to be the most
study of its kind. Hopefully the
ble to make some use of this material.

nn might have mentioned, we have not
anding or the opportunity of making an
We are entirely at your disposal in
you feel we can be of any assistance
sed to meet with you or undertake any
wish or feel advisable.

Sincerely,

L. Sylvester

L. Sylvester,
General Manager.

BRIEF TO THE
ROYAL COMMISSION ENQUIRY
INTO MATTERS OF HEALTH & SAFETY
ARISING FROM THE USE OF ASBESTOS
IN ONTARIO

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January 1981

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EXECUTIVE SUMMARY

Exposures from asbestos correction projects are controllable by following procedures which have been developed for this class of work. Incorporating these procedures into regulations for the construction industry will avoid any confusion which may exist and provide a practical standard of protection.

Procedures are well developed to control asbestos exposures encountered in new construction. Again, incorporating the proper procedures in regulations will avoid any confusion, which may now exist, will increase worker awareness and will provide a practical and effective standard of protection.

A major problem exists in identification of asbestos materials in renovation and maintenance operations. Without identification of the presence of asbestos containing materials, well developed procedures to control exposures will not be implemented. We hope that a practical solution to the problem of identification will evolve from the recommendations of this commission. We also suggest that the well developed procedures for this work be incorporated into regulations.

The problem of identification of asbestos containing materials is also encountered in demolition operations. In addition, practical procedures for control of asbestos exposures for many demolition operations are not well developed. The development of practical procedures must be undertaken in consultation with the industry. The most pressing problem is identification

because without identification it is unlikely that special procedures would be developed and implemented. As with renovation and maintenance operations, we hope that a practical solution to the identification problem will evolve from the commission's recommendations.

INTRODUCTION

This brief will provide commentary on what we consider to be the four basic classes of construction work involving asbestos. It will further outline what we consider to be the important problems which are currently encountered in each of these classes and suggest areas of further study.

We will illustrate the importance of identification of asbestos materials in work involving existing facilities and the problems yet to be solved in this area.

Unique features of the construction industry will be outlined and related to the need for a special kind of regulation, which we will refer to as "regulation by procedure".

A report, prepared by Concord Scientific dealing with problems of asbestos disposal, together with our briefs to the Ministry of Labour, on the subject of Occupational Health Regulations and a report on Occupational Health Standards for the U.S. construction industry, are included in attached appendices.

CLASSES OF CONSTRUCTION WORK INVOLVING ASBESTOS

Asbestos Correction Projects

This class of work is currently the most visible exposure to asbestos encountered by the construction industry. Contractual obligations often dictate procedures to be used.

The implementation of contractual procedures has resulted in an increased awareness of the hazards among contractors regularly performing this class of work. These contractual procedures in general provide good protection for workers and the environment, however, procedures do vary from project to project and client to client.

Incorporating a standardized set of these procedures into regulations will reduce any variances or confusion which may currently exist and provide practical direction for clients, contractors and workers contemplating this type of work for the first time. The observed acceptance of this procedural method of control, by all parties involved in this work, indicates that "regulation by procedure" is viable for construction.

In our view, exposures from asbestos correction projects do not pose a major health problem for construction workers providing proper procedures are followed. The fact that exposures for this class of work can be effectively controlled is due not only to the existence of adequate procedures but also to the fact that the presence of asbestos materials is identified prior to contractual arrangements being finalized.

SUGGESTIONS FOR COMMISSION CONSIDERATION

We urge the Commission to:

- (a) accept and support the procedures developed for control of exposures in asbestos correction projects, and*
- (b) promote the adoption of these procedures in regulations.*

New Construction Exposures

Most construction materials which historically contained asbestos have been replaced by asbestos free materials. However, there are some products still used in new construction which do contain significant amounts of asbestos.

The major sources are asbestos cement pipe, widely used in sewage systems and underground cable ducts, and asbestos cement sheet material, used as a fireproofing and heat resistant surface covering. Some gasket and packing materials may also still contain asbestos.

The material is usually identifiable as containing asbestos either by the nature of the product, by the packaging labels, or contract specifications, therefore identification is not usually a problem for this class of work.

Adequate procedures have been developed for the control of exposures in this general class. Unfortunately, there is a lack of procedural uniformity, worker awareness, and enforcement which often results in less than adequate worker protection.

Incorporating standard procedures for this class of work into regulations will, to a large degree, overcome the problems outlined above. The "regulation by procedure" approach will improve procedural uniformity, will increase worker awareness and will provide a basis for enforcement.

SUGGESTIONS FOR COMMISSION CONSIDERATION

We urge the Commission to:

- (a) accept and support the concept of "regulation by procedure" for the construction industry, and*
- (b) promote the incorporation of the accepted procedures into regulations.*

Renovation and Maintenance Exposures

This is probably the most frequent class of exposure to asbestos in construction at the present time and it will continue to grow as pre 1970 installations require more and more renovation or maintenance.

The variety of asbestos containing products which were used until the early 1970's can be encountered on many renovation and maintenance projects.

Thermal and acoustical structural insulation, boiler and pipe insulation, fireproofing, flooring, drywall joint filling compounds, electrical fixtures and refractory patching materials are some of the products which may contain significant quantities of asbestos.

The major problem with this class of work is what we shall call the "identification problem". This involves not only the recognition of the presence of asbestos but also includes the transfer of this information and the means to accommodate the possible drastic changes in procedures and costs to provide the necessary additional controls. This problem will be discussed in more detail on page 11.

If the presence of asbestos has been confirmed and provisions made when the contract for the work is arranged, adequate procedures are available to control this class of exposure.

Incorporating standard procedures for this class of work into regulations will improve procedural uniformity, increase worker awareness and provide a basis for enforcement. However, without identification of the presence of asbestos containing materials the regulated procedures to control exposures will not be implemented.

SUGGESTIONS FOR COMMISSION CONSIDERATION

We urge the Commission to:

- (a) address the problem of identification,*
- (b) develop a practical and equitable framework of responsibilities with respect to identification,*
- (c) accept and support the concept of "regulation by procedure" for control of exposures in Renovation and Maintenance work, and*
- (d) promote the incorporation of the accepted procedures into regulations.*

Demolition Exposures

By the term "demolition" we mean the dismantling and removal of buildings, mechanical installations, equipment, structures or other facilities.

The sources of asbestos which may be encountered during demolition are as varied as those described earlier in our discussion of renovation and maintenance exposures. This class of exposures will increase considerably from present levels as the structures, which are now 10 to 30 years old, are torn down.

The first concern with this class of work is the "identification problem" outlined previously in our discussion on renovation and maintenance exposures. This will be discussed further on page 11.

The second problem with the demolition class of work is the lack of practical procedures known to provide adequate worker and/or public protection. Our Association is currently looking for procedures which will provide adequate worker and public protection within the constraints of present technology, the state of the art of demolition, present disposal systems, and economic considerations. Some of the questions which must be addressed in this regard are:

1. Should asbestos materials be removed prior to demolition?
2. Should asbestos material be encapsulated prior to demolition?
3. Should asbestos materials be wetted down and removed with other materials to which it is attached?

These questions cannot be answered intelligently until the exposure levels of various typical demolition operations and procedures are measured and the possible alternatives evaluated.

The problem of transportation and disposal of asbestos contaminated building debris is dealt with by Concord Scientific in their attached report (see Appendix D).

The development of procedures must be undertaken in conjunction with the demolition industry. Arbitrary procedures developed without industry participation may be impractical, difficult to implement and to enforce.

Even when detailed procedures are developed, they will not provide the desired result in demolition unless the problem of identification is adequately resolved. Again, we must ask that the Commission give the appropriate amount of attention to this serious problem.

SUGGESTIONS FOR COMMISSION CONSIDERATION

We urge the Commission to:

- (a) address the problem of identification,*
- (b) develop a practical and equitable framework of responsibilities with respect to identification and contractual obligations,*
- (c) accept the concept of "regulation by procedure" for the construction industry,*
- (d) promote the development of procedures with the demolition industry, and*
- (e) assist in the incorporation of the procedures into regulations.*

The Problem of Identification

The "problem of identification" is complex. Client and contractor responsibilities, contractual conditions, physical difficulties, worker awareness, multiple employers, and cost escalations are all part of this "can of worms". This problem is prevalent in the renovation and maintenance, and demolition classes of work.

Our first concern is the lack of responsibility for the physical identification of asbestos containing materials which may be involved in the work. Ideally the identification should be accomplished prior to contractual arrangements being finalized. Unfortunately, physical difficulties often prevent this from being accomplished. Coverings, claddings, ducts or barriers may conceal the asbestos containing materials.

When asbestos is identified prior to finalization of contractual arrangements the contractor has the opportunity to assess the affect on procedures to be used and make any consequent adjustments in costs.

Concealed asbestos materials will not be discovered until the work is in progress. Responsibility for identification of these materials is a matter of concern. Unless the contractor has made provision for handling asbestos materials, or the contract arrangements allow for such escalation as may be necessary, the contractor will have little incentive to identify or acknowledge the presence of such materials. For this situation the client also may not feel responsible for identification or any resultant increase in costs. It is

unlikely that workers would be able to identify many of these materials because laboratory identification is often necessary. In view of these facts, it is unlikely that these exposures will ever be adequately controlled, unless the problems posed are resolved, and responsibility is assigned in a fair and equitable manner.

The "identification problem" is further complicated by the fact that there may be a number of trade contractors or sub-contractors involved in the work. These contractors may not be primarily involved with the asbestos containing materials, yet their workers may be exposed to airborne asbestos fibre. They need to be informed of the presence of asbestos containing materials in order to make the necessary adjustments in their work. These adjustments may include such methods as rescheduling work, providing worker protection, or providing containment barriers.

Practical solutions to these problems are not readily apparent at this time. They are interrelated and any solution must accommodate all of them to some degree. This is the construction industry's greatest asbestos related difficulty.

SUGGESTIONS FOR COMMISSION CONSIDERATION

We urge the Commission to:

- (a) address the problem of identification,*
- (b) consider the problems faced by construction employers in dealing with the discovery of asbestos after the contract has been finalized,*
- (c) address the problem of communicating the presence of asbestos to all potentially exposed personnel, and*
- (d) develop a framework of responsibilities for the determination of the presence of asbestos in the workplace.*

LEGISLATION AND SPECIAL FEATURES OF THE CONSTRUCTION INDUSTRY

At the December 12th meeting of the Commission, reference was made to the compliance capability of health standards. Compliance capability is the key to effective legislation and requires that the legislation be practical and reasonable.

The traditional legislated measures for controlling exposure to toxic materials (engineering controls, administrative controls, air monitoring and medical surveillance) which are practical and reasonable in fixed industries are not necessarily practical nor reasonable in the construction industry.

Most legislation includes provisions for air monitoring to determine exposures and initiate action based on Threshold Limit Values or some similar numeric standard. Air monitoring to determine concentrations of airborne asbestos fibre may be a very practical procedure for fixed industries. The dimensions of the work areas are constant, ventilation is either constant or controllable, and the process under investigation is also constant or predictable, giving relatively static conditions to monitor. However, the dynamic nature of typical construction projects, as described in Appendices A, B and C, is not conducive to obtaining realistic measurements of exposures by air sampling. Also, the time required to collect and analyze the air samples may exceed the duration of exposure.

Medical monitoring of exposed workers is a major problem for the construction industry. The reasons include the method of hiring and high rate of turnover as described in Appendices A and C. This situation can cause duplication of medical examination and associated records. The limited number of occupational physicians in Ontario who are capable of relating medical findings to workplace conditions may present difficulties as well.

Administrative controls, or rotating employees in and out of asbestos areas, are not practical due to the small workforce most contractors employ. It would be economically impractical for a contractor to further increase the turnover rate in the industry by utilizing employee rotation to reduce exposures. Efforts should be directed towards protecting exposed workers rather than increasing the number exposed.

Engineering controls, the optimum solution in theory, are very difficult and in many cases impossible to implement on construction sites. Generally, the short duration of projects, and even specific tasks and processes on a construction project, make engineering controls prohibitive from a cost and time standpoint. The ever changing location of the task or process causing exposure, may prevent the use of ventilation controls, and this may be compounded by the lack of a suitable location for discharging local exhaust ventilation.

In our view, what we shall refer to as "regulation by procedure" is most suitable for construction. By this we mean that for a particular type of operation such as demolition involving asbestos, operational procedures would be set out in the regulation defining exactly what an employer must do, use or provide in regard to work methods, equipment, access control to work areas, personal protective equipment, training and supervision. This so called "cook 'book" approach has been used successfully for asbestos removal and encapsulation projects. It has been used for construction safety regulations for many years.

Licencing

It has been suggested by other interested parties that a system of contractor licencing be established to alleviate some of the problems we have posed. If licencing is considered to be necessary we would suggest the requirements be directed to the person in charge of the work as opposed to the company or contractor. This type of licencing places responsibility at the workplace. It has been used in some municipalities for blasting and we understand it is being considered for workers installing home insulation.

We must point out that licencing will not solve all of the problems posed in this brief.

SUGGESTIONS FOR COMMISSION CONSIDERATION

If licencing is considered, by the Commission, to be necessary, we would suggest that the requirements be directed to the person in charge of the work as opposed to the company or contractor.

CONCLUSION

The Construction Safety Association of Ontario recognizes the need to reduce asbestos exposures in our industry. We feel that this can best be accomplished with the "regulation by procedure" approach. Both labour and management in the industry have voiced their support of this concept.

We feel confident that difficulties experienced in controlling asbestos exposures in construction can be overcome if basic problems are resolved. The Royal Commission can assist us with these problems which are summarized as follows:

1. The formal adoption by the appropriate agencies of a "regulation by procedure" approach for control of construction exposures to asbestos.
2. Development of a practical framework of responsibilities to adequately solve what we have defined as the "identification problem".

We hope that the information contained in this brief, the appendices, and the questions we have posed will be of valuable assistance to the Commission in the preparation of its recommendations. We are, of course, available to the Commission at your convenience to discuss any of the contents in greater detail.

